

Shubhada S Kadam

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO. 114 OF 2026

Shafi Ibrahim Memon

....Applicant

versus

The State of Maharashtra

....Respondent

Mr. Swapnil R. Patil i/b. Patil Associates, Advocates for Applicant.

Mr. B. B. Kulkarni, APP for Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 23rd APRIL, 2026.

P.C. :

1. The challenge in this petition is to the order passed below Exhibit- 4 in Sessions Case No.156 of 2024 dated 11th February 2026 by the Additional Sessions Judge, Mumbai, whereby the discharge application of the applicant was rejected.

2. It is prosecution's case that the police arrested the co-accused with 50 grams of Mephedrone (MD), and it is alleged that the said MD was provided by the applicant to the co-accused.

3. It is contention of learned counsel for the applicant that accused No. 1, in whose possession MD was found, has been acquitted by the Trial Court. The applicant has been shown as absconding. There was

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no recovery at the instance of the applicant. No record has been produced to show that the applicant had any transactions with accused No. 1. These facts are not considered by the Trial Court and has passed an erroneous order. Hence, requested to allow the application.

4. It is contention of learned APP that 50 grams of MD was found in the possession of accused No. 1. The said MD was provided to the accused No.1 by the applicant. To prove the case against the applicant, a trial is required. The learned Sessions Judge has passed a well-reasoned order, and no interference is required. Hence, requested to allow the application.

5. I have heard both counsel, perused charge-sheet and documents produced on record. Accused No. 1, in whose possession MD was found, has been acquitted by the Trial Court. No documents were produced on record to show the involvement of the applicant in the crime or that the applicant had provided the MD to the co-accused. It is settled law that if there is no evidence against the accused, he can be discharged. Continuation of trial would amount to harassment of the applicant but this fact was not considered by the learned Trial Court and I pass following order :

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O R D E R

- (I) The application is allowed.
- (ii) The applicant is discharged from the Sessions Case No.156 of 2024 for the offences punishable under Sections 328 and 114 of the Indian Penal Code, registered vide Crime No.12 of 2015.
- The application stands disposed of in above terms.

(SHIVKUMAR DIGE, J.)