



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (APL) NO. 2038 OF 2025

- 1) **Nilesh Vijaysing Thakur,**
Age - 55 years,
Occu. - Principal, NIT Nagpur,
R/o. Block 11, Rajlaxmi Vihar,
Beltarodi, Tq. and Dist. - Nagpur.
- 2) **Krishnakant Prabhudas Adhiya,**
Age – 55 years, Occ. - Professor,
R/o. Nr. Silk Mill, Siddhivinayak
Colony, Pimprala,
Tq. and District – Jalgaon.
- 3) **Prafulla Bapurao Aughad,**
Age – 59 years, Occ.- Retired MSEB
R/o. Arjun Nagar, Morshi Road,
Amravati, Tq. and Dist. - Amravati.

.... **APPLICANTS**

// VERSUS //

The State of Maharashtra,
Through PSO Gadge Nagar, Amravati,
Tq. and District – Amravati.

.... **NON-APPLICANT**

Mr. Vipul Bhise, Advocate with Mr. N.R. Shiralkar, Advocate for
the applicants.

Mr. I.J. Damle, Assistant Public Prosecutor for the non-applicant.

CORAM : M.W. CHANDWANI, J.

DATED : JUNE 09, 2026

ORAL JUDGMENT :

1. **Rule.** Rule made returnable forthwith. Heard finally by
consent of the learned Counsel appearing for the parties.

2. The present application arises out of Crime No.266 of 1987, wherein applicants were booked under Sections 395, 147, 148, 149, 353, 332, 333, 324, 325, 336, 337, 447, 427 of the Indian Penal Code, 1860 and with Section 135 of the Bombay Police Act 1951 and Sections 4 and 25 of the Arms Act, 1959, and the applicants are praying for quashing of the prosecution on the ground of delay in concluding the trial, so also the absence of material so as to sustain the prosecution against the petitioners.

3. According to Mr. Vipul Bhise, learned counsel appearing for the applicants, the incident took place in the year 1987, wherein differences arose between groups of students from two different educational institutions. According to him, the applicants though are arrayed as accused, there is hardly any material to connect the applicants with the offence in question. That being so, the provisions under Section 149 of the Indian Penal Code are invoked as the applicants were allegedly present on the spot of the incident. According to him, none of the witnesses has named the applicants as accused persons and in such an eventuality, the prosecution cannot be taken to its logical end.

4. Learned counsel appearing for the applicants would invite our attention to the order of the Division Bench passed in

Criminal Writ Petition No.423 of 2023 dated 12.02.2024 in the same crime in relation to other co-accused, wherein, the application of the other two co-accused was allowed and chargesheet was quashed and set aside to the extent of the applicants therein.

5. As against this, the learned Assistant Public Prosecutor urged that the role of the applicants can only be appreciated while deciding the matter at the trial as the applicants are added as accused in the aforesaid crime, since they are the students who have participated in the incident.

6. I have considered the rival submissions.

7. It can be gathered from the record that the incident in question has occurred in the year 1987 which led to the registration of Crime No.266 of 1987 punishable under Sections 395, 147, 148, 149, 353, 332, 333, 324, 325, 336, 337, 447 and 427 of the Indian Penal Code read with Section 4 and 25 of Arms Act and Section 135 of the Bombay Police Act.

8. The fact remains that the provisions of Section 149 of the Indian Penal Code are invoked against the applicants inspite of the fact that there are no eye witnesses naming the applicants as accused, having actually participated in the offence in question.

9. Considering the genesis of the offence, the material in chargesheet, the case is based on conjecture and surmises, the prosecution cannot be taken to its logical end in order to achieve the very object of securing conviction of the applicants.

10. Apart from the above, the reason for which the trial Court did not conclude the trial for more than 36 years may have been the number of persons who are arrayed as accused in the crime.

11. In this background, no fruitful purpose can be served, by keeping the prosecution pending against the applicants. As regards the other co-accused, this Court has already quashed the prosecution against the accused persons who are similarly situated vide orders dated 12.02.2024, 03.12.2024 and 19.03.2025 passed in Criminal Writ Petition Nos.423 of 2023, 834/2024 and 647/2024.

12. Consequently, the application is allowed. The charge-sheet in Sessions Case No.421 of 2019 pending before the learned District Judge-4 Amravati arising out of First Information Report bearing Crime No.266 of 1987 registered with Police Station Gadge Nagar, Amravati for the offences punishable under Sections 395, 147, 148, 149, 353, 332, 333, 324, 325, 336, 337, 447 and 427 of the Indian Penal Code read with Section 4 and 25 of Arms Act and

Section 135 of the Bombay Police Act is hereby quashed and set aside to the extent of the present applicants only.

13. Rule made absolute in the above said terms. No order as to costs.

(M.W. CHANDWANI, J.)

Kirtak