

**Sessions Case No.49/2024
State Vs. Sunil and Ors.**

ORDER BELOW EXH.122.

By this application under Section 250 of BNSS 2023, the accused has prayed for discharge him from the offence under Section 302, 326, 324, 143, 147, 148, 149 of IPC.

2] The learned advocate for the accused submitted that the applicant/accused Devidas @ Deva Datta Saraskar is resident of Kakadadati, Tq.Dist. Washim having movable and immovable property there. He is peace loving person. It is submitted that on perusal of FIR no.166/2024 it revealed that the complainant has lodged report against accused Sunil Thakur, Shankar Kule and other 6 unknown persons. It means, the applicant/accused was not present at the time of incident. The name of applicant/accused is also not mentioned while recording statement of injured Uttam Bajad dated 25/03/2024. So also, the name of present applicant/accused is also not mentioned in the statement recorded on 29/03/2024 of Samadhan Bajad. There is also not mention the name of present applicant/accused while recording statement of Mithesh Paswan, Akhilesh @ Sonilal Sada, Jairaj Chandel and Manchalan Beleshwar. The present applicant/accused is falsely implicated in present crime. Prima facie no offence made out against the present applicant/accused. Hence, prayed for discharge the accused from the offences leveled against him.

3] Learned APP has filed say overleaf the application and submitted that the offence is serious in nature. According to charge-sheet, present applicant/accused is involved in unlawful assembly and committed the offence. According to the statement of eye witness, Dnyaneshwar Gayakwad it is seen that present accused is involved in said crime and his clothes was seized. Hence, prima facie offence made out against this accused. Hence, prayed to reject the application.

4] While considering the application U/Sec.250 of BNSS 2023, merit and demerit of the prosecution case cannot be evaluated, but the charge-sheet has to be accepted as it is. In the statement of Dnyaneshwar Haribhau Gaikawad filed along with charge-sheet, there is evidence to show that Rupesh Thakur, Shankar Khule, Balaji Kankhar, Abhishek Mahajan, Hitesh Basatti, Sachin Khodke and present accused Deva Sasarkar were having sticks in their hand and Sachin Khodke was having iron pipe in his hand. Witness Jairaj Chandel, Manchan Beleshwar and Kaleshwar Paswan also stated the name of present applicant/accused in their supplementary statements. It also appears that in previous statement of witnesses Jairaj Chandel, Manchan Beleshwar and Kaleshwar Paswan, they specifically stated the name of Sunil Thakur plus 7 unknown persons. Thus, though the contention raised by learned advocate for the applicant/accused that applicant/accused was not present the spot of incident at the time of incident, however, on perusal of above said statements prima facie shows that accused was involved in crime and was present at the time of incident. Thus, prima facie involvement of present applicant/accused is shown. As such, it cannot be said that there is no material on record to proceed against the present applicant/accused. Therefore, the application is devoid of any merit and it deserves to be

rejected.

In the result, I pass the following order.

ORDER

Application stands rejected.

Date : 31/12/2025

(Smt. V. D. Ingle)
Additional Sessions Judge, Washim.

CERTIFICATE

I affirm that the contents of this PD.F file Judgment/Order are same word to word, as per the original judgment/order.

Name of Stenographer	:- R.R.Bharad, Stenographer (Grade-I)
Name of Court	:- Smt.VD.Ingle District Judge-2 and Additional Sessions Judge, Washim.
Date of Judgment/ Order	:- 31/12/2025
Judgment/Order signed by the Presiding Officer on	:- 31/12/2025
Judgment/Order uploaded on	:- 31/12/2025