

State Vs. Romil Chaudhary and Others

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Court : Mumbai Goa

Decided On : Oct-12-2012

Judge : A.P. Lavande

Appeal No. : Criminal Revision Application No.59 of 2010

Appellant : State

Respondent : Romil Chaudhary and Others

Advocate for Def. : Mr. De Sa

Judgement :

Oral Judgment :

Heard Mr. Rivonkar, learned Public Prosecutor for the petitioner and Mr. De Sa, learned Counsel for respondent no.2.

2. By this revision application, the petitioner takes exception to order dated 17/09/2010 passed by the Additional Sessions Judge-2, South Goa, Margao in Sessions Case No.30/2010 discharging respondents no.1 and 2 who are the accused nos.1 and 2 in Sessions Case No.30/2010.

3. Revision Petition against respondent no.1 stands dismissed in view of the order dated 13/07/2011 passed by this Court.

4. Chargesheet under Section 173 of Cr.P.C. was filed against the respondents no.1 to 3 and absconding accused no.4 alleging that prior to 18/05/2010, four accused conspired to kill deceased Bilma Colaco on account of broken love affair between the deceased and the accused no.4 and that an illegal weapon of gun (Katta) was arranged by the accused nos. 1 to 3 and that on 18/05/2010 at about 8 p.m. at Cuncolim, the accused no.4 used the said weapon to cause death of the deceased by firing gun shot from point blank range. Learned Additional Sessions Judge, by order dated 17/09/2010 discharged the accused nos.1 and 2 on the ground that there was absolutely no material even prima facie to connect both the accused with the commission of the offences in respect of which chargesheet was filed.

5. As stated above, the revision application against respondent no.1 stands dismissed since the prosecution did not take any steps to serve him for quite long period of time.

6. Having heard Mr. Rivonkar, learned Public Prosecutor for the petitioner and Mr. De Sa, learned Counsel for respondent no.2, I am of the considered opinion that no interference is warranted with the impugned order.

7. The prosecution has relied upon the purported confessional statement of the accused no.2 to connect him with the crime. Learned Additional Sessions Judge held that in the entire statement of the accused no.2 recorded under Section 164 of Cr.P.C., there is nothing stated by the accused no.2 admitting his role in the commission of the offences alleged. Admittedly, there is no such material available against respondent no.2 except that on the date of incident respondent no.2 had dropped the accused no.4 on his motorcycle in Margao. But this fact by itself is not sufficient even to connect prima facie respondent no.2 in the commission of murder alleged to have been committed by the accused no.4. Thus, the finding of learned Additional Sessions Judge that there is absolutely no material even prima facie to connect respondent no.2 with the commission of offence alleged against him, cannot be said to be either illegal or not borne out from the materials on record. In my view, learned Sessions Judge was perfectly justified in discharging the accused no.2 of the offences in respect of which chargesheet was filed against

him.

8. In the result, therefore, I do not find any merit in the present revision application. Accordingly, the revision application stands dismissed.

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