IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO. 538 OF 2024
WITH
INTERIM APPLICATION NO. 3852 OF 2024
IN
CRIMINAL REVISION APPLICATION NO. 538 OF 2024

Rakesh Matasharan Shukla .. Applicant
Versus
The State of Maharashtra .. Respondent

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- Mr. Tanveer Aziz Patel a/w. Mr. Aditya Shah, Advocates for Applicant.
- Ms. Sangita Phad, APP for State.

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CORAM : MILIND N. JADHAV, J.
DATE : OCTOBER 11, 2024.

JUDGMENT:

1. Heard Mr. Patel, learned Advocate for the Revision Applicant and Ms. Phad, Learned APP for the State.

2. Considering the incarceration of the Revision Applicant in jail since 06.09.2024 and the request made by Mr. Patel citing exigency in view of the sentence being awarded of rigorous imprisonment for three months by the District Court, the Revision Application and Interim Application are heard finally.

3. Applicant is convicted under Section 248(2) of Cr.P.C. for offences punishable under Sections 279, 354D and 337 of the Indian Penal Code, 1860 (for short "**IPC**"). He is sentenced to undergo rigorous imprisonment of three months and to pay fine of Rs.500/- for

offence punishable under Section 354D; rigorous imprisonment of three months and to pay fine of Rs.5,000/- for offence under Section 279 and rigorous imprisonment of three years and to pay fine of Rs.500/- for offence punishable under Section 337 of IPC. Upon conviction by Trial Court in R.C.C. No.203 of 2018 Applicant approached District Court by filing Appeal No.100 of 2023 and by judgment dated 06.09.2024 the judgment passed by the Trial Court is upheld by modifying the same to the extent of reducing the sentence imposed for offence punishable under Section 337 of IPC from three years to three months due to a typographical mistake and Applicant was directed to surrender forthwith. Pursuant thereto, Applicant is in custody from 06.09.2024 till date.

4. Mr. Patel, learned Advocate for Applicant at the outset would submit that the entire case of prosecution is based on evidence of two witnesses namely, Complainant – PW-1 and PW-2 – taxi driver who is an eye witness to the accident which occurred on the date of incident. He would submit that prosecution has relied upon evidence of PW-3 – doctor who treated the Complainant for her injury. PW-4 is the Investigating Officer. Date of incident is 27.05.2017. He would submit that it is prosecution's case that at about 1:45 p.m. in the afternoon when Complainant – PW-1 was passing through the Nerul intersection on Palm Beach Road in the vicinity of Haware mall and petrol station nearby, Complainant – PW-1 heard continuous blowing of horn from

her right side by Applicant and he attempted to overtake her. Both were riding their respective two-wheelers.

5. According to prosecution, Applicant was listening to loud music with his headphones on while riding. Prosecution's case is that Applicant thereafter rode his motorcycle alongside her and looked at the Complainant and gestured to her by shaking his neck. Thereafter as Complainant - PW-1 was approaching Nerul railway station, near the taxi stand Applicant once again overtook her by moving his motorcycle very close to her, resultantly leading to Complainant – PW-1 losing her balance and control of her two-wheeler (scooty) and falling to the ground. Owing to this accident, Complainant sustained injury to her right elbow, right shoulder as also on her right thigh. According to prosecution, people present at the incident spot assisted Complainant – PW-1 who was frightened but they caught hold of Applicant and took him to the police station. It is prosecution's case that Complainant – PW-1 informed persons gathered on the spot, that Applicant was following her while honking incessantly and looked at her with bad intention and made gestures and rode his motorcycle very close to her between Haware signal and Nerul railway station.

6. Mr. Patel would next submit that if statement of Complainant – PW-1 recorded on 30.05.2017 is seen and compared with her deposition before Trial Court, there is a substantial variation

and improvement made by her therein. He would submit that the improvements made in her deposition are on issues of facts pertaining to the incident relating to stalking as also rash and negligent driving by Applicant. He has persuaded me to peruse both statements which are appended at page Nos.60 and 84 of the Application. He would submit that there is a very restrictive narration of facts which occurred in the statement of Complainant – PW-1 recorded on 30.05.2017 as opposed to her deposition.

6.1. Here, he would submit that Court will have to take into cognizance the delay of three days in filing the FIR and recording her statement after the incident. He would submit that the reason attributable to delay is on the ground that there was an impending marriage in the family of Complainant – PW-1 which is merely stated by her without proving the said reason by leading any cogent evidence.

6.2. He would submit that in the FIR statement recorded in 2017, it is stated by Complainant – PW-1 that Applicant followed her honking incessantly and looked at her with bad intention and made certain gestures with his face / neck. It is stated therein that he had his headphones on his ears at that time and furthermore that he rode very close to Complainant – PW-1 on his motorcycle, attempted to interject her line of ride on more than two occasions, resultantly leading to her fall on the third occasion and she getting injured near Nerul (East)

railway station taxi stand. Sum and substance of the allegation in the complaint is that Applicant was driving his two-wheeler rashly, resulting in the accident causing injuries to Complainant - PW-1 and while doing so made certain gestures.

6.3. Juxtaposed with this statement, he would draw my attention to the deposition of Complainant and would submit that there is large scale improvement in the same. In her deposition, she states that when Applicant rode his scooter near her, she shouted at him but he neglected her since he had headphones on his ears but his motorcycle brushed her scooty. It is further stated that she saved herself from a fall in the first instance at that time but Applicant repeated the same incident a little ahead near the Nerul police station zebra crossing and also gestured to her by shaking his neck. Thereafter, she has deposed that Applicant was stalking her and followed her and near Nerul Railway station taxi stand, he once again dashed her leading to she being thrown in the air and landing on a taxi close by. However, in the same deposition it is further stated that her scooty fell on her body and she injured her right hand elbow, right shoulder and right thigh. On reading this deposition, he would submit that the entire prosecution case is based on this deposition to contend that Applicant was stalking the Complainant – PW-1 and due to his rash and negligent riding by interjecting her right of way, it led to her accident and she suffering injuries.

6.4. He would submit that Applicant and Complainant – PW-1 are complete strangers, unknown to each other. He would submit that both of them were travelling in the same direction on the same road and therefore whether to construe that Applicant was following and stalking Complainant – PW-1 is not borne out from the record and evidence and that it is only a figment of imagination of the Complainant – PW-1 which cannot be proven.

6.5. He would submit that 'stalking' as defined under Section 354D of IPC is a very serious offence which would entail following the victim, attempting to contact her, foster personal interaction repeatedly despite disinterest shown by her. In so far as facts of this case are concerned, he would submit that none of the above ingredients have been shown and proved by prosecution beyond reasonable doubt but by merely relying upon preponderance of probabilities and the evidence of PW-1 i.e. Complainant, Applicant has been convicted.

6.6. He would persuade me to read the cross-examination of the Complainant – PW-1 where certain admissions made by her are extremely crucial to itself disprove the case of prosecution. In her cross-examination, she has deposed that Applicant was riding at a hand's length distance from her and attempted to overtake her from the right hand side. He would submit that if that be the case, then

according to her own admission, her theory of stalking as also rash and negligent driving stands disproved on the basis of her own admissions. That apart, he would submit that she has herself admitted in cross-examination that she dashed to a stationary Fortuner vehicle which was double parked on the road and further that the police authorities did not register her complaint / FIR on the date of the incident.

6.7. He would submit that prosecution has relied on the evidence of PW-2 - a taxi driver and in his cross-examination he has stated that he has seen Applicant interjecting the line of riding of Complainant – PW-1 but he would not be able to describe the same. This according to him is clearly an improvement which cannot be considered by the Court as opposed to PW-2's statement recorded by the police which is appended at page No.66 of the Application. He would draw my attention to the date of recording of the said statement which is 04.05.2017. Similarly, he would draw my attention to another taxi driver's statement recorded by the police on 04.05.2017 and would submit that whether those statements on the said dates can ever be recorded and even believed is the question as the date of incident is 27.05.2017. He would submit that both the statements are *ante* dated.

6.8. He would submit that deposition of the Investigating Officer - PW-4 in the present case needs to be considered by the Court as he has stated that though he collected the CCTV footage from the area but

the incident spot was not covered by the said footage and therefore he did not produce the same. In his cross-examination, he has stated that Complainant – PW-1 did not visit the police station after her medical treatment on the date of incident i.e. 27.05.2017 and therefore her Complaint was registered after three days. This however is contrary to the deposition of PW-1 herself who has stated that she visited the police station after receiving medical treatment on the same day but the police did not register the FIR. In cross-examination of the Investigating Officer, one crucial admission has been drawn to my notice wherein he has admitted that he did not collect the CCTV footage from Seawoods bridge to Nerul railway station. If that be the case, Mr. Patel would vehemently argue about the applicability of the provisions of Section 354D in the facts of the present case to convict the Applicant cannot be proved. The Investigating Officer has also admitted in his cross-examination that he did not investigate about the Fortuner car which was double parked on the road to which the Complainant – PW-1 had dashed.

6.9. On the basis of the above depositions and evidence, he would read the twin judgments passed by the learned Trial Court and the learned District Court to contend that both the Courts have come to an incorrect conclusion that the aforesaid evidence proved the prosecution case is beyond reasonable doubt to convict Applicant under the aforementioned three offences of IPC. He would submit that

the reasoning given by both the Courts below is such that knowledge and intention to affect the modesty of the Complainant has been attributed to the Applicant by both Courts below. He would submit that such existence of intention or knowledge is to be looked at from various circumstances and when the same is seen herein, there is absolutely no direct evidence whatsoever to implicate the Applicant under Section 354D of IPC in the present case. Hence, he would submit that the facts in the present case do not border upon attempting to affect the chastity of the Complainant – PW-1 whatsoever.

6.10. He would submit that blowing the horn, playing loud music, keeping the headphones on and making gestures by moving the neck by the Applicant cannot be construed as commission of the offence of stalking as envisaged under Section 354D of IPC.

6.11. That apart, he would argue that there is absolutely minimal evidence with respect to rash and negligent driving and injury sustained by Complainant – PW-1 which cannot be attributed to the Applicant. He would submit that the dash of the Complainant – PW-1's scooty has admittedly been with the Fortuner vehicle which was double parked on the road and therefore, both decisions rendered by the Courts below deserve interference of this Court and they deserve to be quashed and set aside. If not, the Applicant prays for passing appropriate order in the Interim Application.

7. ***PER CONTRA***, Ms. Phad, learned APP has at the outset drawn my attention to the statutory provisions of Sections 279, 337 and 354D of IPC and after reading the said provisions would submit that in the facts and circumstances of the present case, the learned Courts below have been extremely lenient in awarding a much lesser punishment to the Applicant. Thereafter while drawing my attention to the deposition of PW-1 and PW-2, she would submit that what is essential for the Court to consider in such a case is the conduct of the Applicant. She would submit that between Haware junction and Nerul railway station, where the Complainant had a fall, the Complainant – PW-1's case that Applicant attempted to come close to her while they both were riding their respective two-wheelers stands proved. That apart, she would submit that atleast on three occasions between the two destinations, Applicant interjected the lane of Complainant. She would submit that the two-wheeler used by Applicant has been identified not only by the Complainant – PW-1 but also by an independent eye witness i.e. PW-2 - a taxi driver and has been seized under seizure report below Exhibit "18" alongwith the registration papers of the said motorcycle. She would submit that the imminent fall resulting in injury to Complainant has been due to rash and negligent driving by Applicant. She would submit that deposition of PW-2 who is an independent neutral witness corroborates the version of the Complainant – PW-1 regarding the vehicle involved as also the act of

rash and negligent riding by Applicant.

7.1. In this context, she has drawn my attention to Exhibit "25" which is the injury certificate issued by PW-3 - Doctor and appended at page No.70 of Application to show the gravity of injuries suffered by Complainant – PW-1. She would submit that one injury out of the two is a grievous injury clearly attributable to the act of Applicant and therefore invocation of Section 337 of IPC is correctly applied by both Courts below. Rather, she would submit that while awarding the sentence, both Courts below have been lenient in awarding a lesser punishment. She would submit that evidence and deposition of PW-3 - Doctor placed on record by Applicant separately, if seen, shows that the Complainant immediately after the accident was examined by the Doctor and therefore there can be no disbelieving the fact that Complainant – PW-1 has wrongly deposed.

7.2. She would submit that the delay of three days in filing FIR has been adequately and duly explained by Complainant – PW-1 due to the impending marriage in her family and it should not be held against her because she had admittedly suffered injury on the date of the incident by virtue of the accident. On the issue of non-availability of CCTV footage being looked into and collected by the Investigating Officer, she would submit that the Investigating Officer *vide* letter dated 01.06.2017 appended at page No.72 of the Application had

taken immediate steps to gather the CCTV footage by approaching the concerned Assistant Commissioner of Police. Hence, there is no dereliction on the part of the Investigating Officer and he has infact explained the reason for non-availability of the CCTV footage which cannot be disbelieved.

7.3. From her above submissions, she would persuade me to consider the reasons recorded by the learned Trial Court in paragraph Nos.29 to 37 of the judgement dated 22.06.2023 and would contend that the Applicant is involved in a serious offence of stalking the Complainant – PW-1 which cannot be dismissed in *limine*. She would submit that the learned Trial Court has correctly applied the ingredients of the aforementioned provisions of IPC to the facts of the present case in arriving at conviction of Applicant.

7.4. She would next draw my attention to the judgment dated 06.09.2024 of the District Court in Appeal and would submit that as held by the said Court, the Complainant – PW-1 has indeed met with an accident which cannot be denied and has suffered two injuries admittedly. She would submit that on overall consideration of prosecution's case, considering the deposition of witnesses, the learned District Court has correctly appreciated the reasons in the judgment dated 22.06.2022 passed by Trial Court and has modified the sentence of three years awarded to the Applicant for the offence punishable

under Section 337 of IPC to three months by observing that it is a typographical mistake. She would therefore urge the Court to uphold the judgments passed by the learned Trial Court and the District Court and dismiss the present Application.

8. I have heard submissions made on behalf of the Applicant and Respondent – State and perused the record of the case with the able assistance of both Advocates. Submissions made by the learned Advocates have received due consideration of the Court.

9. At the outset, it is seen that the learned District Court has rightly modified the sentence from three years to three months under Section 337 of IPC in paragraph No.22 of its judgment on the ground that there is a typographical mistake.

10. Coming to the merits of the case, it is seen that Applicant and Complainant – PW-1 are admittedly not known to each other at all. On the date of incident and accident i.e. 27.05.2017, the association of the Applicant with Complainant – PW-1 leading to the incident and accident was barely for a period of 15 to 20 minutes between 1:45 p.m. and 2:05 p.m. According to Complainant – PW-1 and prosecution's case itself, Applicant was riding a motorcycle, he came from behind honking incessantly in close proximity to the scooty of Complainant – PW-1, he dodged her three times before she dashed her scooty and injured herself. It is seen that there is a dichotomy

whether the Complainant – PW-1 dashed her scooty to a parked Fortuner vehicle or a taxi. There is no investigation done at all. Prosecution's deposition of witnesses is divided on this part. Be that as it may, in the present case there are three different and specific incidents involved beginning at the Haware mall junction and upto the accident site of Complainant near taxi stand situated outside Nerul Railway station.

11. For the purpose of applicability of Section 354D of IPC in the facts of the present case, it was incumbent upon prosecution to prove that Applicant was following the Complainant – PW-1, he contacted the Complainant – PW-1 while doing so and that his contact with Complainant – PW-1 was intended at fostering personal interaction repeatedly despite a clear indication of disinterest by Complainant – PW-1. If the aforementioned ingredients are proven by the prosecution beyond reasonable doubt, undoubtedly offence of stalking can be invoked. However in the present case, it is prosecution's own case that Applicant came from behind and since Complainant was on her scooty (two-wheeler) waiting in front of him, at Haware mall junction area, in order to overtake and go ahead of her, he honked incessantly. Thereafter, it is prosecution's case as also Complainant's deposition that near the zebra crossing outside Nerul police station, once again Applicant repeated the same act and in the third instance, a little ahead near the taxi stand outside Nerul railway Station, the same act

was repeated resultantly leading to Complainant having a collision with a parked Fortuner vehicle. If this version of the prosecution is believed, then on all three instances, Applicant came from behind and attempted to overtake the Complainant from the right side which is the correct side. It is Complainant – PW-1's own deposition and specific admission that there was one hand's distance between both the two-wheelers driven by both parties but on the third instance when the Applicant overtook her she lost control of her scooty leading to her accident and injuries.

12. Whether the aforesaid facts can be attributable to the ingredients of stalking as envisaged under Section 354D of IPC is the question to be answered. The Trial Court has rather considered the facts in the present case and invoked Section 354D of IPC and the Appeal Court has upheld that judgment. The entire episode has occurred within a span of 20 minutes. There is no evidence whatsoever collected and gathered by the Investigating Officer from the CCTV cameras to corroborate and prove the ingredients of stalking. Infact, prosecution's case itself disproves that Applicant contacted, attempted to contact, attempted to foster personal interaction, attempted to do so repeatedly despite Complainant showing interest is clearly not proved in the present case. There is no talk, approach or interaction between parties. Infact none of the ingredients of the offence of stalking can be made attributable to the conduct of the Applicant in the present case.

It is important to note that it has come on record and in the evidence of the Investigating Officer that Applicant was wearing sunglasses and admittedly had headphones fixed to his ears and was listening to loud music. PW-1 has confirmed this fact in evidence. PW-2 - taxi driver has also endorsed this fact. The only gesture attributable to the Applicant by prosecution is of shaking of his neck i.e. grooving his neck while riding and simultaneously listening to the music, rather loud music which also could be the case. Whether such gesture can be attributed to the act of Applicant trying to interact, foster and draw attention of the Complainant - PW-1 is not proved. Such an action on the part of Applicant in my opinion, does not fall into any one of the attributes or ingredients of the offence of stalking as enumerated under Section 354D of IPC. Therefore, the learned Trial Court has not appreciated the ingredients of the provisions of Section 354D in the facts of the present case and rather embarked upon construing that the act of the Applicant has been an attempt to affect the modesty of the woman.

13. There is no *mens rea* whatsoever involved in the present case. There is no direct evidence whatsoever in that regard. Such an act cannot be inferred on the basis of mere conduct. Conduct is a group of acts committed by a person. The observations and finding hereinabove do not lead to the Applicant committing any act whatsoever described under the definition of 'stalking' as envisaged under Section 354D of IPC. In that view of the matter, the conviction

of the Applicant under section 354D is therefore quashed and set aside. Both the Courts below have completely erred in invoking the provisions of Section 354D of IPC in the facts and evidence presented in the present case.

14. Coming to the applicability of the provisions of Sections 279 and 337 of IPC, it is seen that in so far as conduct of Applicant is concerned, learned APP Ms. Phad has argued that the act on the part of Applicant needs to be seen by the Court. According to her, the act of attempting to overtake the Complainant – PW-1 while driving a vehicle is undoubtedly a dangerous act. In that regard, I agree with her submission that the act of overtaking and coming close while driving a vehicle in motion undoubtedly endangers the life and limb of both the riders in question, especially the woman herein. In this case, the Complainant – PW-1 receives a shock and surprise when the Applicant rides close to her and overtakes her because she is required to apply sudden brakes in such an emergent situation. While doing so, there is every possibility of Complainant losing control of her two-wheeler while riding while suddenly applying the brakes. Therefore in the present case, the prosecution's case *qua* rash and negligent driving as appreciated by the learned Trial Court and upheld by the learned District Court deserves to be accepted as the Complainant – PW-1 has suffered injuries. This is so because, by virtue of the act of the Applicant, the Complainant met with an accident, though there is a

discrepancy in the evidence as to whether the Complainant dashed the Fortuner vehicle or a taxi. While giving benefit of doubt to the prosecution's case in this regard, the admitted fact that Complainant met with the accident is not disproved at all. Complainant – PW-1 has been examined by PW-3 doctor who deposed before the Trial Court. Undoubtedly, the injuries received by Complainant – PW-1 are proven. The Complainant – PW-1 on her own without the intervention or attempted interjection of the Applicant could not have met with the accident. There is contributory negligence applicable to a certain extent.

15. In that view of the matter, the element of rash and negligent riding on a public road in a manner which is rash or negligent has endangered the life and limb of the Complainant – PW-1. The act of the Applicant of coming close to the Complainant – PW-1 even if it was at a hand's distance and then overtaking her abruptly is undoubtedly a rash act. In the present case, the said rash act according to prosecution has been repeated three times by Applicant within a span of 20 minutes. Such act on the part of Applicant resulted in causing injuries to Complainant.

16. In that view of the matter, riding a two-wheeler alongside another two-wheeler, attempting to overtake the other two-wheeler, riding a two-wheeler in a wavering manner and while attempting to

overtake riding it at a high speed would undoubtedly lead to an accident, if the other two-wheeler loses its control. This has precisely happened in the present case. The learned Trial Court and the learned District Court have analysed the evidence with respect to rash and negligent driving from these possibilities.

17. That apart, riding a two-wheeler with loud music and headphones on ears would also qualify as a rash act on the part of the Applicant while riding a two-wheeler. Constant wavering and interjecting the two-wheeler alongside leading to causing an accident is what has happened in the present case. In that view of the matter, the case of prosecution has been adequately proved beyond reasonable doubt to this extent only and the evidence has been correctly appreciated by both the Courts below and I find no reason to interfere with the impugned judgment of the Trial Court which has been upheld and modified by the District Court to the extent of the typographical mistake occurring therein. However, on the issue of sentence, I would differ in view of my above observations and findings.

18. In reference to the above, it would be fruitful to refer to a recent decision of the Supreme Court in the case of ***Prem Lal Anand Vs. Narendra Kumar & Ors.***[1] wherein the Supreme Court has considered its various previous pronouncements on the aspect of contributory negligence in accident cases. In the attending facts and circumstances

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of that case wherein the wronged vehicle had come from the wrong side resulting in the collision, the Supreme Court has noted that merely because the person was attempting to overtake a person, it cannot be said to be an act of rashness or negligence with nothing to the contrary suggested from the record. In that case, the Appellant had suffered extensive injuries. However, in the present case there is adequate material on record which has been discussed hereinabove to show the conduct of the Applicant being rash though admittedly he attempted to overtake from the right side at all times. Therefore as held by the Supreme Court and also as discussed in the case of ***Municipal Corporation of Greater Bombay Vs. Laxman Iyer & Anr.***[2] referred to therein, in the present case, the act or omission on the part of the Applicant can be said to have materially contributed to the damage i.e. the negligence leading to the accident of the Complainant – PW-1. There is admittedly a degree of want of care and caution which has contributed to the negligence of the Applicant in his act of riding his two-wheeler too close in proximity to the Complainant – PW-1's two-wheeler alongwith his headphones on while listening to music. Therefore, the Applicant has been correctly indicted and convicted for rash and negligent driving even though there is no collision between the vehicles of the parties.

2 (2003) 8 SCC 731

19. However, in that view of the matter and in view of the above observations and findings, considering that the Applicant has already been incarcerated and has been in prison from 06.09.2024 till today, I am of the opinion that he has undergone imprisonment of 36 days which in my opinion would serve the sentencing purpose. The sentence undergone by Applicant till today is according to me adequate and deterrent enough punishment to him for his act of rash and negligent driving. The Applicant is a married man with three children and a family to support and provide care for. He is the breadwinner of his family. He was working as an Interpreter in Datamark BPO Services (P) Ltd. with effect from 27.04.2020 in a confirmed position following his six months probationary period. By virtue of the impugned judgments, he surrendered on 06.09.2024. His Interim Application for suspension of sentence and stay was filed on 12.09.2024. His incarceration is bound to affect his future prospects. By virtue of the present incident, he had to resign from the said company a day before 06.09.2024 as he had to surrender himself. The incarceration of 36 days in prison of Applicant in my opinion is therefore adequate enough sentence for the twin offences punishable under Sections 279 and 337 of IPC in the facts and circumstances of the present case delineated hereinabove. In this case any further delay and incarceration of the Applicant in prison would amount to denial of justice, as it is said that justice delay is justice denied.

20. Hence, the sentence of three months awarded to the Applicant stands reduced to the period of 36 days imprisonment only which is already undergone by the Applicant till today. It would do good to therefore release him immediately from prison, so as to resurrect and redress the present situation of his family and his children also. The sentence undergone by him till today is therefore considered adequate sentence in my opinion.

21. Applicant stands completely exonerated from the offence of Section 354D of IPC. To that extent the impugned judgments of both the Courts below stand interfered with. To the above extent, the sentencing in the twin judgments under Sections 279 and 337 of IPC passed by both the Courts below in the impugned judgments stand modified/reduced to 36 days only i.e. the period of imprisonment undergone by Applicant till today.

22. The Prison Authorities i.e. Jail Superintendent, Taloja Jail is directed to act on a server copy of this order and immediately release the Applicant from jail custody / prison today itself.

23. Registry is directed to immediately inform the Prison Authorities / Jail Superintendent about this judgment today itself.

24. Before parting, I must put in a word of appreciation for Ms. Phad, learned APP who has conducted this matter with erudition and in detail.

25. Criminal Revision Application is partly allowed in the above terms. Interim Application No.3852 of 2024 does not survive in view of disposal of Criminal Revision Application and is disposed.

26. Criminal Revision Application No.538 of 2024 is disposed.

[MILIND N. JADHAV, J.]

Ajay

AJAY TRAMBAK UGALMUGALE

Digitally signed by AJAY TRAMBAK UGALMUGALE
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