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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.292/2015

Mohsin Ayub Bagwan & others.

...Applicants..

Versus

The State of Maharashtra & another.

...Respondents...

.....

Shri A.S. Shaikh, Advocate for applicants.

Smt.P.J. Bharad, APP for respondent no.1.

.....

**CORAM: S.S. SHINDE &
A.M. BADAR, JJ.**

DATE: 23.01.2015

ORDER :

- 1] Heard learned counsel for the applicants.
- 2] Perused the material placed on record and in particular the allegations in the complaint and statements of the witnesses. In our opinion, a triable case appears to be there. The trial Court can proceed on the basis of material collected by the prosecution. Appreciation of evidence in inherent jurisdiction of this Court is not expected. In that view of the matter, the application stands rejected with liberty to the

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applicants to file application for discharge, if they so desire, in case the charge is not yet framed, before the trial Court. In case such an application for discharge is filed within four weeks from today, such application be decided by the concerned Court as expeditiously as possible and preferably within three months from the date of filing of such application.

(A.M. BADAR, J.)**(S.S. SHINDE, J.)**