

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

Criminal Application No.2635 of 2014

Narayan s/o Suresh Kakade
And Another.

.. Applicants.

Versus

Prakash s/o Chhatrubhuj Shinde
And Another.

.. Respondents.

Shri. Sudarshan J. Salunke, Advocate, for applicants.

Shri. S.S. Manale, Advocate, for respondent No.1.

Shri. V. D. Godbharle, Additional Public Prosecutor, for
respondent No.2.

**CORAM: T.V. NALAWADE &
Smt. I.K. JAIN, JJ.**

DATE : 20th APRIL 2015

ORDER:

1) The record and the submissions made show that charge sheet is filed under section 299 of the Code of Criminal Procedure against the applicants. This Court had given direction to the learned counsel for the applicants to see that the applicants are asked to remain present before Court today. Accordingly, applicant No.1 Narayan is kept present. As the provisions of MCOC Act

are invoked and as the charge sheet is filed under section 299 of the Code of Criminal Procedure this Court has allowed the subordinate of the investigating officer present in Court to take applicant No.1 in custody.

2) As the applicant No.2 has not come forward and as statement is made for him that he has information that applicant No.2 is suffering from HIV Positive and he is bed ridden, the Investigating Officer is expected to verify this information and make statement. Stand over to 6th May 2015. If it is transpired that applicant No.2 is not available and is avoiding to remain present in Court the proceeding will be dismissed as against him for non compliance of the order and on that date the application of applicant No.1 Narayan will be heard.

3) After passing the aforesaid order and allowing the subordinate of the investigating officer to take applicant No.1 into custody, learned counsel for the applicants, on instructions, submits that he wants to withdraw the application.

4) The application is disposed of as withdrawn. However the custody of applicant No.1 is already taken as charge-sheet is filed under section 299 of the Code of Criminal Procedure against him. That order is to continue and further procedure needs to be followed by the investigating officer in respect of the applicant No.1. The observations made in this order shall not come in the way of the applicants in any other proceedings.

Sd/-
(Smt. I.K. JAIN, J.)

Sd/-
(T.V. NALAWADE, J.)

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