

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

**CRIMINAL APPLICATION NO. 931 OF 2014
WITH APPLN/3522/2014 IN APPLN/931/2014**

AKBAR ABDUL RAHMAN MIRZA AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. P.B. Patil
APP for Respondent/State : Mrs. P.J. Bharad
Advocate for Respondent no.2 : Mr. Ambilwade Saisagar A.

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

Dated: January 12, 2015

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PER COURT :-

Heard the learned counsel appearing for the applicants and the learned counsel appearing for the original complainant.

2. Perused the charge-sheet and its accompaniments. Prima facie, it appears to us that, there is specific material for trial so far applicant nos. 2 to 5 are concerned. Therefore, we are not inclined to entertain this application for quashing the charge-sheet No. 105/2014 and the proceedings in R.C.C. No. 131/2014 pending in the Court of Judicial Magistrate, First Class, Navapur so far it relates to applicant nos. 2 to 5.

3. So far applicant no.1 is concerned, upon perusal of the allegations in the complaint and also

statements of the witnesses, except applicant no.1 has encouraged the other accused to assault the complainant, there are no specific allegations. In fact, it is the contentions of the learned counsel appearing for the applicants that, applicant no.1 Akbarali Abdul Rahman Mirza is residing at 601, Marigold CHS New Link Road, Andheri (W), Mumbai. In that view of the matter, so far applicant no.1 is concerned, the application is allowed. Further proceedings on the basis of the charge-sheet No. 105/2014 and R.C.C. No.131/2014 pending in the Court of Judicial Magistrate, First Class, Navapur in respect of applicant no.1 are quashed and set aside.

4. Application so far applicant nos. 2 to 5 is concerned, same is rejected.

5. The application is disposed of in the aforesaid terms.

6. In view of disposal of this Criminal Application, nothing survives for consideration in Criminal Application No.3522/2014 and hence same stands disposed of.

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

(**S.S. SHINDE, J.**)

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sga/-