

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or directions
and Registrar's orders

Court's or Judge's orders

CRIMINAL WRIT PETITION NO. 766 OF 2015

SAMBHAJI S/O PANDURANG SATHE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Petitioners : Mr.S.S. Patil h/f Mr.G.J. Kore
APP for Respondents/State: Mr.S.D. Kaldate.

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CORAM : S.S. SHINDE & A.I.S. CHEEMA, JJ.
Dated: AUGUST 06, 2015

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Learned Counsel Mr.S.S. Patil submits that the Advocate on record has filed leave note and therefore, the matter may be adjourned.

2 This matter has been adjourned on couple of occasion at the request of learned Counsel for the petitioner and today, the matter is kept first on Board. Prayer for adjournment stands rejected. We have perused the grounds taken in the petition and the reply filed by the State and in particular, para 8 thereof, wherein it is mentioned that during investigation, it transpired that the present applicant / accused was in contact with other accused and for that, the CDR

record is collected. Apart from that, prima facie, State has shown that the petitioner was a member of the gang and, there are two crimes registered against him being Crime No.39/2014 u/s 395 IPC and Crime No.58/2014 u/s 395 IPC at Osmanabad (Rural) Police Station and the cases are pending. There are 10 offences / crimes registered against the gang leader namely Raja @ Rajendra Pawar. Out of 10, in 7 crimes police filed charge-sheets. It is further stated in the affidavit filed by State that by order dated 26.7.2014 the Special Police Inspector General, Aurangabad has granted permission to add Sections 3(1)(2), 3(2), 3(4), 3(5) of MCOCA against the petitioner. It is contended in para 3 of the affidavit that the petitioner along with 18 other accused persons stopped the truck bearing No.TN 34 E 8071 loaded with 324 bags of *Shabudana* and all the accused then, compelled to drove the said truck near *Yedeshwari* Storage Tank and committed murder of Punrusu Kanan and injured the complainant and committed dacoity.

3 There are serious allegations against the petitioner and other accused persons. No case is made out for interference. Petition sans merits and same stands dismissed.

(A.I.S. CHEEMA, J)

(S.S. SHINDE, J)