

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****CRIMINAL WRIT PETITION NO. 916 OF 2015**

ANIL S/O GYANCHAND KATARIYA AND ORS
VERSUS
THE STATE OF MAHARASHTRA & ANR

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Advocate for Petitioners : Mr. Tiwari Suraj P.
APP for Respondent/State : Mr. S.D. Kaldate

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CORAM : S.S. SHINDE & A. I. S. CHEEMA, JJ.

Dated: July 24, 2015

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PER COURT :-

Heard the learned counsel appearing for the petitioners. He submits that, other co-accused, who named the present petitioners, have stated before the Magistrate that, they have not given any statement to the Police. They never stated the names of the present petitioners. It is submitted that, the place from which incriminating material/articles are recovered does not belong to the petitioners, and therefore, the petitioners are entitled for the relief prayed in this Petition.

2. We have heard the learned counsel appearing for the petitioners. Perused the accompaniments of the charge-sheet. Number of C.Ds. and other articles are recovered from the place of incident. The allegations are very serious. It is alleged that, the present petitioners are indulged in preparation of C.Ds. of obscene movies.

3. Upon perusal of the material available on record, the prosecution agency has collected sufficient material. Whether, the place from which there is recovery belongs to the petitioners or otherwise, is a matter for evidence. This Court while exercising writ jurisdiction cannot enter in to disputed questions of facts. In that view of the matter, the Petition sans merits, hence dismissed.

(**A. I. S. CHEEMA, J.)**

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

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