

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

Criminal Application (APL) No.3 of 2015

Mohd. Jakir Mohd. Hanif

-Vrs.-

The State of Mah. thru. PSO. Pimpalgaon Raja. and another.

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

Court's or Judge's orders.

Shri S.V. Sirpurkar, counsel for applicant.

Shri Ukey, APP for respondent no.2.

Shri Abhay Bhide, counsel for respondent no.2.

CORAM : A.B.CHAUDHARI AND
P.N. DESHMUKH, JJ.

DATED : 7th AUGUST, 2015

Heard learned counsel for rival parties.

Learned counsel for the applicant submits that the applicant has acted as a witness to the subsequent sale deed and therefore the FIR deserves to be quashed.

Shri Ukey, the learned APP, submits that in fact the applicant is a broker and also stands as a witness to the sale deed but then his role in the transaction is a matter of evidence. We find that only upon filing of the charge sheet application could be entertained for discharge. At the same time, the applicant's interest can also be protected by making the following order.

Order.

Application is not entertained at this stage.

Applicant is granted liberty to apply for discharge after filing of the charge sheet, if so advised.

JUDGE

JUDGE

Hirekhan