

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

CRIMINAL APPLICATION (APL) NO.402 OF 2013

MANGESH S/O KAILASH INGALE

V/S

STATE OF MAHARASHTRA, THROUGH P.S.O.AKOT

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

Court's or Judge's Order

Shri A.B. Moon, counsel for the applicant.
Shri A.K. Bangadkar, APP for the State.

CORAM : V.M. DESHPANDE, J.

DATED : SEPTEMBER 30, 2015.

Heard Shri A.B. Moon, learned counsel for the applicant and Shri A.K. Bangadkar, learned Additional Public Prosecutor for the State *in extenso*.

This application is filed by the present applicant under Section 482 of the Code of Criminal Procedure since the applicant is aggrieved by order passed below Exh.116 on 20.3.2013 by learned Additional Sessions Judge, Akot, District Akola whereby learned Additional Sessions Judge, Akot was pleased to reject the application filed by the present applicant under Section 227 of the Code of Criminal Procedure.

The present applicant is accused No.9. According to learned counsel for the applicant the only

evidence against the present applicant is the confessional statement of co-accused. However, at the same time, he fairly submits that golden article, which came in his possession, was handed over by him to a goldsmith who has converted said article viz. locket into the ring.

Learned counsel for the applicant submits that the said article was given to him by one of co-accused and he was not knowing that it is part and parcel of the articles which were looted from the Jewellery Shop.

Thus, it is crystal clear that, at this stage, the applicant wants to test his defence which in my view is impermissible while considering the application under Section 227 of the Code of Criminal Procedure. Hence, the application is rejected.

Interim order granted by this Court stands vacated.

JUDGE

!! BRW !!

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