

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

CRIMINAL APPLICATION (APL) NO. 619 OF 2014

(Mohd. Faiyaz s/o Mohd. Kaleem & others Vs. The State of Maharashtra)

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

Court's or Judge's orders

Shri G. R. Kothari, Advocate with Shri V. R. Chaudhari,
Advocate for the applicants.
A. P. P. for the State.

CORAM : V. M. DESHPANDE, J.
: 02 SEPT., 2015

The applicants are facing prosecution on the basis of report lodged by Ayesha Siddique. Criminal case bearing No.807/2010 for the offence punishable under Section 498-A read with Section 34 of the Indian Penal Code is registered against the applicants. An application was moved before the learned Magistrate for dismissal of the aforesaid case in view of the death of first informant, Ayesha Siddique. The said application is rejected by the learned Magistrate.

Merely because the first informant is no more, that does not mean that the prosecution will be unable to bring home the guilt of the applicants by adducing the evidence of other material witnesses. According to the learned Counsel for the applicants, the other prosecution witnesses are not supporting the prosecution. Such plea, at this stage, cannot be

entertained especially when the petition filed on behalf of the present applicants for quashing of first information report is already disposed of by this Court.

In that view of the matter merely because the first informant is not available that will not restrain or constrain the prosecution to bring home the guilt of the applicants successfully. The learned Judge of the Court below, in my view, has correctly rejected the application vide order dated 26/8/2014. No interference is required.

Application is dismissed. However, looking to the fact that Criminal Case No.807/2010 is pending since 2010, it is expected of the learned Magistrate to dispose of the said case expeditiously, of course, on the cooperation from the present applicants and the other co-accused.

JUDGE