

FARAD CONTINUATION SHEET No.IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**CRIMINAL APPLICATION NO.207 OF 2015**

(Bhujang Deorao Sonkamble and others Vs The State of Maharashtra
and others)

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders CORAM : A.V. NIRGUDE & V.K. JADHAV, JJ. DATED : 21.06.2016
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Mr.A.M.Gaikwad, Advocate for the
applicants

Mr.M.M. Nerlikar, APP for the
respondent/ State

1. Seven applicants in this case are named as accused in Crime No.203 of 2010 registered with the Bhagyanagar Police Station for the offence punishable under Sections 364, 302 r/w 34 of the Indian Penal Code. They are also accused for the offence punishable under Section 3(1)(10) of the S.C., S.T. (Prevention of Atrocities) Act.

2. Despite filing of the complaint and registration of offence

for last five years, no evidence was collected against the applicants. They are named in the F.I.R. mainly because they had some enmity with the deceased.

2. From the Post-mortem report which we perused today, we are of the view that the deaths were not probably homicidal. Offence under Section 364 is rather far fetched because the deceased were grownup people and could have traveled from Basar, Dist. Adilabad, Andhra Pradesh to Nanded, Maharashtra on their own.

3. Despite investigation for last five years, if the police are unable to find material against the applicants, the applicants deserve an order that would clear their names from the case which is registered with the Bhagyanagar Police Station, Nanded as Crime No.203/2010 for the offence punishable under Sections 364, 302 r/w 34 of the Indian Penal Code and offence punishable under Section 3(1)(10) of

the S.C., S.T. (Prevention of Atrocities) Act. The applicants are either Teachers, Engineers, Lawyers & Policeman etc.

4. We are, therefore, inclined to allow this application in terms of prayer Clause (B). The criminal application stands allowed accordingly.

[V.K. JADHAV,J.]

[A.V.NIRGUDE,J.]