

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVIEW APPLICATION NO. 1 OF 2016
IN
CRIMINAL WRIT PETITION NO. 398 OF 2015

Saliquddin Zaiuddin Chisti,
Age : 45 years, Occu. Business,
R/o Khultabad, Bazar Galli,
Tq. Khultabad, Dist. Aurangabad

APPLICANT
(Ori. Informant)

VERSUS

1. The State of Maharashtra
2. The Commissioner of Police,
Aurangabad, Dist. Aurangabad
3. The Superintendent of Police
(Rural), T.V. Centre,
Aurangabad, Dist. Aurangabad
4. The Police Inspector,
Chavani (Cantonment)
Police Station, Aurangabad,
Tq. and Dist. Aurangabad
5. Sharfuddin Mohammad Ramzani,
Age : 50 years, Occu. Business
6. Shabbir Ahemad Amiroddin,
Age : 60 years, Occu. Pensioner
7. Nizar Hafizoddin,
Age : 39 years, Occu. Business
8. Nazer Hafizoddin,
Age : 42 years, Occu. Business
9. Kaisar Zairohoddin Hazi,
Age : 52 years, Occu. Business,

Respondent Nos. 5 to 8
R/o Khultabad, Tq. Khultabad,
District Aurangabad

10. Mustafa Farooque,
Age : 60 years, Occu. Business,
R/o Khaled Tower, Katkat Gate,
Aurangabad, Taluka and
District Aurangabad

RESPONDENTS
(Respondent Nos. 5
to 10 are original
accused)

Mr. R.M. Deshmukh, Advocate for the Applicant
Mr. D.R. Kale, A.P.P. for respondent Nos. 1 to 4
Mr. G.A. Kulkarni, Advocate holding for Mr. R.S.
Deshmukh, Advocate for respondent Nos. 5 to 9
Mr. Joydeep Chatterji, Advocate for respondent
No. 10

CORAM : S.S. SHINDE AND
SANGITRAO S. PATIL, JJ.

ORDER RESERVED ON : 15th OCTOBER, 2016
ORDER PRONOUNCED ON : 21st OCTOBER, 2016

ORDER (PER : SANGITRAO S. PATIL, J.) :

The applicant (original informant) has sought review of the order dated 5th August, 2015, passed by this Court in Criminal Writ Petition No. 398 of 2015, whereby the said petition came to be rejected.

2. The applicant had challenged the order dated 5th August, 2015 before the Hon'ble the Supreme Court of India by filing a Petition for Special Leave to Appeal (Cri.) No. 9083 of 2015, which came to be dismissed as withdrawn with liberty to approach this Court by way of

filing review application confining the review only to prayers (B) and (C) of the writ petition, which read as under:-

(B) Record and proceeding in Crime No. I-34/2015 registered on 6.3.2015 by Chavani (Cantonment) Police Station, Aurangabad for the offences punishable under sections 143, 325, 307 of Indian Penal Code, may kindly be called for.

(C) The further investigation in Crime No. I-34/2015 registered on 6.3.2015 by Chavani (Cantonment) Police Station, Aurangabad for the offences punishable under sections 143, 325, 307 of Indian Penal Code, may kindly be handed over to independent investigation agency like C.B.I., C.I.D.

3. Heard the learned counsel for the applicant, the learned A.P.P. representing respondent Nos. 1 to 4 and the learned counsel for respondent Nos. 5 to 10.

4. Perused the papers of investigation and particularly, the case paper of the applicant maintained by the Government Medical College and Hospital at

Aurangabad where the applicant was initially admitted for treatment after the incident on 25th February, 2015 at 11.30 p.m. The Medical Officer concerned has noted the history of the incident as "Road Traffic Accident ahead of Fauji Dhaba". The applicant was found to be conscious and oriented when he was admitted there. We perused the provisional injury certificate of the applicant given by the casualty Medical Officer wherein also, the history of the incident, as narrated by the patient i.e. the applicant, was recorded as Road Traffic Accident.

5. There are statements of the witnesses, who happened to be in the vicinity of the spot of incident, showing that the motorcycle of the applicant slipped on the road ahead of Ujwal Dhaba and when they visited the said spot, they found the present applicant, who had sustained injuries due to slipping of the motorcycle on the road.

6. When it was the case of the applicant that he was assaulted by respondent Nos. 5 to 9 and due to that assault he sustained injuries, it is not explained as to why he did not disclose about that fact before the

Medical Officer concerned when he was admitted in the Government Medical College and Hospital, Aurangabad. It seems that the applicant has developed the theory of assault as a result of an afterthought. In the circumstances, the prayers (B) and (C) of the criminal writ petition cannot be allowed. We do not find any reason to effect any change in the order dated 5th August, 2015, rejecting Criminal Writ Petition No. 398 of 2015. There is no error apparent on the face of the record to interfere with the said order. Hence, we pass the following order:-

The Criminal Review Application is rejected.

Sd/-
[**SANGITRAO S. PATIL**]
JUDGE

Sd/-
[**S.S. SHINDE**]
JUDGE

npj/criral-2016