

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

CRIMINAL WRIT PETITION NO. 74 OF 2016

- 1] Jelu Kelu Vasunia,
- 2] Dinesh Shakriya Sarel
through jail

...Petitioners

VERSUS

The State of Maharashtra

...Respondent

Through jail
Shri K.S.Patil, A.P.P. for respondent/State

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CORAM : A.V.NIRGUDE

AND

INDIRA K.JAIN, JJ.

DATED : 22nd January, 2016

ORDER :

1] The petition is sent from jail along with a copy of the charge sheet. Perused the charge sheet. We decided not to engage any advocate for the petitioners as petitioners could go through the charge sheet and know the case of the respondents.

2] Two accused of Crime No. 83 of 2013 of Raver police station have filed this petition seeking setting aside of the case. We are not inclined to allow this petition. Offence punishable under Sections 395, 427 r/w 34 of the Indian Penal Code are alleged against the petitioners and others. It is alleged that on 26.7.2013 an incident of arm robbery took place at a petrol pump at about 3.00 a.m. At the time of incident some of the accused had covered their

faces. While taking away cash and other valuable articles, the accused assaulted witnesses by sharp edged weapons caused injuries to them. The police registered offence under Sections 394, 427 r/w 34 of the Indian Penal Code. The petitioners were arrested on 30.8.2013 and were sent to police custody. Two more accused were arrested in this case. The police sent charge sheet against ten accused but showed that accused nos. 5 to 10 were absconding. It is the case of prosecution that ten persons were involved in this offence and, therefore, this was not a case of armed robbery but was a dacoity. Offence under Section 395 of the Indian Penal Code was thereafter added. The petitioners are in custody since August, 2013. They are not granted bail.

3] We are not inclined to quash and set aside the case against the petitioners mainly because there is ample material collected by police to proceed against them.

4] Petition is dismissed.

5] Office to communicate this order to the prisoner.

[INDIRA K.JAIN, J.]

[A.V.NIRGUDE, J.]

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