

Criminal Application No. 1457 of 2016

District : Hingoli

versus

1. The State of Maharashtra,
through the Police Sub-Inspector,
Police Station, Hingoli (Rural),
Taluka and District : Hingoli.
2. The Superintendent of Police,
District : Hingoli. .. Respondents.

• • • • •

Mr. P.S. Paranjape, Advocate, for the original complainant.

• • • • •

DATE : 13TH JUNE 2016

ORAL ORDER :

Heard.

2. This Court by an interim order passed on 20th April 2016 has protected the applicant.

3. Thereafter, it is noted that the Investigating Officer was not cooperating with the Addl. Public Prosecutor appearing for the State and as such observations to that effect were required to be made. This Court then directed the Investigating Officer to place on record the transcript of video clip of the C.C.T.V. footage along with the C.D., by order dated 2nd May 2016.

4. The learned Addl. Public Prosecutor has shown her inability to comply with the order dated 2nd May 2016, as aforesaid, though according to her, steps were taken by her.

5. The matter is for relief under Section 438 of the Code of Criminal Procedure, 1973.

6. It is required to be noted that the applicant has not disputed the fight in between the complainant and the applicant. What is disputed is the use of weapon as is attributed against the applicant i.e. 'fighter'

7. In my opinion, the applicant would be very much available for interrogation and there are hardly any chances to run away from the investigation particularly in the background of CCTV footage depicting involvement of the applicant in the crime in question. In that view of the matter, ad interim protection granted to the applicant deserves to be confirmed.

8. Hence, the Application is allowed with the following directions :-

(a) The ad interim protection granted to the applicant vide order dated 20th April 2016 is confirmed, with a condition that the applicant shall attend the concerned Police Station on 25th, 26th and 27th June 2016, between 10.00 a.m. and 12.00 noon and thereafter as and when called by the Investigating Officer for the purpose of investigation.

(b) Till the conclusion of trial, the applicant shall not enter into premises of Sanskar Talkies where the incident had occurred.

(c) The applicant shall not try to contact any of the prosecution witnesses and he shall not try to tamper with the prosecution evidence in any manner whatsoever.

9. The Application is disposed of in the above terms.

(N.W. SAMBRE)
JUDGE

.....