

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

Criminal Application No. 3623 of 2016

District : Latur

1. Prashant s/o. Vitthal Yelkar,
Age : 25 years,
Occupation : Agriculture.
2. Balaji s/o. Trimbak Yelkar,
Age : 45 years,
Occupation : Agriculture.
3. Vitthal s/o. Vishwanath Yelkar,
Age : 65 years,
Occupation : Agriculture.
4. Madhav s/o. Digambar Yelkar,
Age : 50 years,
Occupation : Agriculture.

All R/o. Tupadi,
Taluka : Nilanga,
District : Latur.

.. Applicants.

versus

The State of Maharashtra,
Through Police Station,
Nilanga, District : Latur.

.. Respondent.

With

Criminal Application No. 3624 of 2016

District : Latur

1. Govind s/o. Baburao Yelkar,
Age : 42 years,
Occupation : Agriculture.

2. Sawrup Baburao Yelkar,
Age : 28 years,
Occupation : Agriculture.
3. Mangesh s/o. Govind Yelkar,
Age : 25 years,
Occupation : Agriculture.
4. Jeevan s/o. Kishanrao Patil,
Age : 45 years,
Occupation : Agriculture.
5. Praveen Vithal Yelkar,
Age : 22 years,
Occupation : Agriculture.
6. Namdev Venkat Yelkar,
Age : 30 years,
Occupation : Agriculture.
7. Mohmad Mirsab Pathan,
Age : 48 years,
Occupation : Agriculture.
8. Pappu s/o. Gopal Patil,
Age : 32 years,
Occupation : Agriculture.
9. Dnyaneshwar Jeevan Patil,
Age : 22 years,
Occupation : Agriculture.
10. Walmik Mohan Yelkar,
Age : 45 years,
Occupation : Agriculture.
11. Venkat Gundaji Yelkar,
Age : 65 years,
Occupation : Agriculture.

All R/o. Tupadi,
Taluka : Nilanga,
District : Latur.

.. Applicants.

versus

The State of Maharashtra,
Through Police Station,
Nilanga, District : Latur.

.. Respondent.

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Mr. Vijay Sharma, Advocate, for the applicants.

*Mr. S.D. Ghayal, Addl. Public Prosecutor, for
the respondent - State.*

*Mr. T.M. Venjane, Advocate, for the original
complainant.*

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CORAM : Smt. SADHANA S. JADHAV, J.

DATE : 12TH JULY 2016

ORAL ORDER:

The learned Counsel for the applicants, upon instructions from the relatives of the applicants, who are present in the Court, seeks liberty to withdraw the Applications.

2. Liberty, as prayed for, is granted, in the interest of justice.

3. The learned Counsel for the applicants, upon instructions, submits that the applicants would surrender before the concerned Court i.e. the learned Magistrate, on or before 21st July 2016.

4. This Court has perused the injury certificate issued by the Sub-district Hospital, Nilanga, District Latur. The Medical Officer issuing the medical certificate has observed that the injuries sustained by the injured complainant party are simple in nature although they are caused by sharp edged weapon. In view of this, it prima facie appears that the offence that can be attributed would be an offence punishable under Section 324 of the Indian Penal Code. In that view of the matter, the learned Magistrate shall not be influenced by the withdrawal of these Applications and shall decide the application(s), if filed before the learned Magistrate, on its own merits.

5. Mr. Venjane, the learned Counsel appearing for the original complainant, has vehemently objected to the grant of liberty to withdraw the present Application with further liberty to the applicants to appear before the learned Magistrate. However, the said submission cannot be considered in the eyes of law.

6. In view of the observations made herein above, the applicants are protected till 05.00 PM of 21st July 2016.

(5)

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& 3624 of 2016

7. The Applications stand dismissed as
withdrawn.

(Smt. SADHANA S. JADHAV)
JUDGE

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