

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

CRIMINAL WRIT PETITION NO.1098 OF 2016

Fazil Ahmed s/o Ahmed Hussain
and others

...Petitioners

VERSUS

The State of Maharashtra & ors.

...Respondents

.....

Shri Shaikh Md.Ibrahim Ismail, advocate for petitioners
Shri R.V.Dasalkar, A.P.P. for respondents

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CORAM : N.W.SAMBRE, J.

DATED : 13th October, 2016

PER COURT :-

An application under Section 227 of the Code of Criminal Procedure (should have been under Section 239 of the Code of Criminal Procedure) for discharge came to be rejected by the learned Judicial Magistrate, First Class, Dharmabad.

2. The document in question, which formed the basis for commission of the offence, is said to

have already been sent to the Handwriting Expert for opinion.

3. Prima facie, what could be gathered from the material received, is that there is sufficient material for their involvement in the crime in question.

4. In view thereof, no case for interference at this stage is made out. However, the petitioners will be at liberty to apply afresh after receipt of opinion of the Handwriting Expert.

5. With the above observations, the Writ Petition is dismissed.

(N.W.SAMBRE, J.)

dbm/crwp1098.16