

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

CRIMINAL APPLICATION NO. 4890 OF 2015

SHAIKH GULAB S/O SHAIKH KADAR AND ORS
VERSUS
THE STATE OF MAHARASHTRA & ANR.

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Mr.M.P.Kale, Advocate for Applicants

Mrs.P.V.Diggikar, APP for respondent no.1

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**CORAM : S.S. SHINDE AND
SANGITRAO S. PATIL, JJ.
DATE : OCTOBER 26, 2016**

PER COURT :

Heard the learned Counsel appearing for the applicants and the learned A.P.P. for respondent no.1.

2. At the outset, the learned A.P.P. submits that Charge Sheet is filed in the month of September, 2015.

3. This application takes exception to the F.I.R. The learned Counsel for the applicants submits that looking to the status of the

applicants and also the quantity of sand, which is mentioned in the F.I.R., it is impossible that the applicants are involved in the alleged offence. Even, the notice issued by the competent authority has also been replied by the applicants. He, therefore, submits that the F.I.R. may be quashed.

4. Upon hearing the learned Counsel for the applicants and the learned A.P.P. for respondent no.1 so also perusal of the contents of the F.I.R., prima facie, commission of the offence is disclosed, which needs investigation. The F.I.R. has been lodged by the competent authority. Therefore, we do not think that this is a case, wherein this Court can accede to the prayers of the applicants.

5. In that view of the matter, the application stands rejected.

[SANGITRAO S. PATIL, J.]

[S.S. SHINDE, J.]

kbp