

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

**BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO.5065 OF 2016**

- 1) Shripati s/o Bachaspati Kala,  
Age-80 years, Occu:Retired Chief Engineer,  
U.P. State, Sugar Corporation,  
R/o-850, Rafinagar, Raibarelli-229001,  
(Uttar Pradesh),
- 2) Smt. Abha w/o Arvind Upadhaya,  
Age-45 years, Occu:Household,  
R/o-A5/5, Krantipura Jail Garden Road,  
Raibarelli-229001. (Uttar Pradesh).

**...APPLICANTS**

**VERSUS**

- 1) The State of Maharashtra,  
Through Office-in-charge,  
City Chowk Police Station,  
Aurangabad, Tq. & Dist-Aurangabad,
- 2) Padmakar s/o David Kharat,  
Age-83 years, Occu:Owner of  
Padmakar Engineering Works,  
Kranti Chowk, Aurangabad,  
R/o-4-17-50, Kotwalpura,  
Mill Corner, Aurangabad.

**...RESPONDENTS**

...

Mr.P.G. Godhamgaonkar Advocate for Applicants.  
Mr.S.W. Munde, A.P.P. for Respondent No.1.  
Mr.B.B. Lakhkar Advocate for Respondent No.2.

...

**CORAM: S.S. SHINDE AND  
V.K. JADHAV, JJ.**

**DATE : 30TH SEPTEMBER, 2016**

**ORDER :**

1. At the out-set learned A.P.P. appearing for the State informs that charge-sheet is already filed in the month of July 2016. This Application taking exception only to the F.I.R., is filed on 7th September 2016.

2. Heard learned counsel for the Applicants. The learned counsel appearing for the Applicants makes oral prayer to permit him to amend the Application. We are not inclined to entertain the said prayer. Since the charge-sheet is already filed in July 2016, this Application taking exception only to the F.I.R., without considering the charge-sheet or the material collected by the Investigating Officer, cannot be considered.

3. In that view of the matter, the

Application stands disposed of.

4.           Needless to observe that if the Applicants have remedy in law, they can avail the same.

**[V.K. JADHAV, J.]**

asb/SEP16

**[S.S. SHINDE, J.]**