

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

CRIMINAL WRIT PETITION NO.1180 OF 2016

Eknath s/o Sheku Rore and ors. ...Petitioners

VERSUS

The State of Maharashtra & anr. ...Respondents

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Shri A.K.Bhosale, advocate for petitioners

Shri K.D.Munde, A.P.P. for respondent no.1

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CORAM : N.W.SAMBRE, J.

DATED : 4th October, 2016

PER COURT :-

Heard Shri Bhosale, learned counsel or the petitioners and the learned A.P.P. for the respondent no.1/State.

It is the case of the petitioners that the first information report has been lodged against the petitioners being C.R.No. 152 of 2014 registered with Sillegaon police station, for offence punishable under Section 302 r/w 34 of the

Indian Penal Code.

The complainant is related to the petitioners/accused on his wife's side, namely Puja alias Jayshree, who died some four months prior to the incident in question in an accident, in which said complainant is booked for offence punishable under Section 302 r/w 34 of the Indian Penal Code. According to him, at the behest of the petitioners the crime came to be registered against the complainant Ganesh, and as such, he is falsely implicated in the crime. Apart from above, he would urge that the injuries are suffered by the deceased, and there are three interested witnesses, who claim to have stated that the petitioners are involved in the crime in question.

The learned A.P.P. opposed the petition.

It is required to be noted that after the investigation, the injuries, as were suffered by the deceased, cannot be termed to be suffered in an accident. It is also worth to observe that the issue as to whether the witnesses are interested

and their testimonies are required to be discarded, can be gone into at the time of appreciation of the evidence.

Apart from above, I do not see any reason to interfere in the order impugned. As such, the petition stands dismissed.

(N.W.SAMBRE, J.)

dbm/crwp1180.16