

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
BENCH AT AURANGABAD.  
APPELLATE SIDE JURISDICTION

**CRIMINAL APPLICATION NO.:5517 OF 2015**  
IN  
**CRIMINAL WRIT PETITION NO.:337 OF 2009**

Manoj Neminath Bhagwate  
VERSUS  
The State of Maharashtra and another

**WITH**

**CRIMINAL WRIT PETITION NO.:270 OF 2009**

Sayyad Mudasir Mahetab  
VERSUS  
The State of Maharashtra and another

**WITH**

**CRIMINAL WRIT PETITION NO.:337 OF 2009**

Manoj Neminath Bhagwate  
VERSUS  
State of Maharashtra and another

**AND**

**CRIMINAL WRIT PETITION NO.:338 OF 2009**

Jivan Baburao Alaspure  
VERSUS  
State of Maharashtra and another

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Mr. S. R. Kedar, Advocate for Petitioner in all the matters.  
Mr. S. P. Deshmukh, A.P.P. for Respondent No.1 in all the matters.  
Mr. M. M. Joshi, Advocate, h/f Mr. S.B. Ghute, Advocate for Respondent  
No.2 in all the matters.

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CORAM : **A. V. NIRGUDE &  
INDIRA K. JAIN, JJ.**

DATE : 28<sup>th</sup> January, 2016.

P.C.:

. Heard.

2 Criminal Application No. 5517 of 2015, seeking fixing early date of hearing is allowed. By consent, all the petitions are taken up for final hearing.

3 Perused the papers and the statements of the witnesses. Petitioner is Accused No.3 in Crime No.287 of 2008, registered at Kaij Police Station. Apparently an accident took place in which deceased Chandu died due to electrocution. It is alleged that Chandu was asked to climb up on an electricity pole by Accused Nos.1 and 2. They were trying to repair the wires etc. While Chandu was doing this, suddenly the present Petitioner, who was not present on the spot, but who was present in the office, started electricity, which caused electrocution of Chandu. We are not inclined to appreciate the facts and circumstances of the case to come to a conclusion as to whether offence is committed or it was a simple case of an accident. This can be done at appropriate stage before the Trial Court.

4           We find that the Petitioners / Accused have ample opportunity and equally efficacious remedy to urge the Trial Court not to frame charge against them. When such opportunity is available to them, it is better that they utilize such opportunity. We, therefore, allow the petitions to be withdrawn with liberty to make appropriate application seeking discharge.

5           All the criminal writ petitions are disposed of as withdrawn.

**[ INDIRA K. JAIN, J. ]**

**[ A. V. NIRGUDE, J. ]**

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