

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

CRIMINAL APPLICATION NO. 6842 OF 2015

Raju s/o Pundlik Deshpande & others

...Applicants

VERSUS

The State of Maharashtra & ors.

...Respondents

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Shri Ganesh Gadhe, advocate h/f

Shri P.M.Nagargoje, advocate for applicants

Shri M.M.Nerlikar, A.P.P. for respondent nos. 1 and 2/State

Shri V.D.Hon, Senior advocate with

Shri A.V.Hon, advocate for respondent no.3

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

DATED : 10th MARCH, 2016

ORDER :

1] Heard. Perused the F.I.R. Investigation is going on. Serious allegations are made against at least applicant no.1. It was he who represented to the complainant and others that he would invest the moneys in various building projects. After obtaining more than 80 lakhs from them he did not show any building project to them. This indicates that since beginning applicant no.1 intended to deceive the complainant and others.

2] The learned counsel for the applicants asserted that the complaint is not believable at all because on number of occasions lakhs of rupees were allegedly handed over to the applicant and yet not a single document is left with the complainant. This would be a matter of defence at the time of trial. Today utilizing this defence we

are unable to hold that the complaint is completely false. None-the-less, there is substance in his submission that the case against applicant no.2 appears thin. Hence, we allow him to withdraw the application for applicant no.2 and give opportunity to him to make fresh application to the extent of applicant no.2.

3] Application to the extent of applicant no.1 stands dismissed. Interim order stands vacated.

[INDIRA K.JAIN, J.]

[A.V.NIRGUDE, J.]

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