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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 1005 OF 2015****Salima Najir Hukeri****... Applicant****Versus****The State of Maharashtra and anr.****... Respondents**

Mr. Satyavrat Joshi for the applicant.

Mrs. S.V. Sonawane, APP for the State.

CORAM: NARESH H. PATIL &**A.M. BADAR, JJ.****DATED : MARCH 16, 2016.****P.C.**

1. Heard learned counsel counsel for the applicant and learned APP for the State.

2. The applicant is an absconding accused in Crime bearing C.R. No. 470 of 2012 registered with Hinjewadi Police Station, Pune under sections 307, 506 read with 34 of Indian Penal Code . Learned counsel for the applicant submits that some of the accused in the same crime were tried and they were acquitted as the witnesses turned hostile in the said case. Learned counsel submits that as the prosecution has failed to establish its case against the accused who were tried, a case is made out for

quashing the entire proceedings against the present applicant.

3. Learned APP has opposed the reliefs prayed for by the applicant.

4. We have perused the record.

5. The present applicant is shown as an absconding accused in the said crime. Without making herself available to the police, the applicant has approached this Court invoking extra ordinary jurisdiction of this Court under Article 226 of the Constitution of India and inherent powers under section 482 of the Code of Criminal Procedure. The applicant has prayed for the following reliefs :

“(a) The Hon'ble court may be pleased to call for the records and proceedings in connection with the FIR bearing C.R. No. 470 of 2012 registered with the Hinjewadi Police Station, Pune and after examining its validity may be pleased to quash and set aside the FIR bearing C.R. No. 470 of 2012 as against the applicant.

(b) That the entire Criminal Proceedings including the Chargesheet arising out of the C.R. No. 470 of 2012 as against the Applicant may be quashed and set aside.

(c) That the entire prosecution in connection with the Sessions Case No.519 of 2013 may be quashed and set aside as against the Applicant.

(d) That pending hearing and final disposal of the present Application, the entire proceedings of C.R. No. 470 of 2012 may be stayed.”

6. In view of the fact that the chargesheet is already filed and the applicant is absconding and the trial against some of the accused was

already conducted, we are not inclined to exercise our inherent jurisdiction in the matter. Application stands dismissed. The observations made in this order shall not affect the merits of the proceedings which are already initiated against the applicant in the trial Court.

(A.M. BADAR, J.)

(NARESH H. PATIL,J.)