

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO. 78 OF 2016

(DATTA KISAN GADEKAR...VS..STATE OF MAH., THR. PSO, PS ANSING, DIST. WASHIM)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A.HAQ, J.

DATED : FEBRUARY 29, 2016.

Heard Shri Aditya Mane-Patil, advocate for the applicant and Shri H.R.Dhumale, A.P.P. for the non-applicant.

The applicant is arrested in the crime registered against him for the offences punishable under Sections 143, 147, 148, 149, 324, 307, 302, 504, 506 and 452 of the Indian Penal Code.

The allegations are that about six persons entered the house of victim and started assaulting him because of some dispute regarding the settlement of some case relating to property. According to the prosecution, the deceased is assaulted by a knife.

The learned advocate for the applicant has submitted that there is only one injury and according to the injury report the injury suffered by the deceased is caused by the weapon which was carried by the other accused and not by the applicant. The learned advocate for the applicant has pointed out the certificate issued by the Headmaster of the School in which the applicant is working and has submitted that the applicant was present in the school till 5.05 p.m. and

being in-charge of Manav Vikas Mission, the applicant was required to reach the girl students to their residences. It is submitted that the applicant being brother of Ambadas Kisanrao Gadekar, with whom the deceased was having the property dispute, is falsely implicated.

The facts on record show that the deceased has narrated the role played by the applicant in the assault. The widow and mother of the deceased are eyewitnesses and they are natural witnesses as the incident has taken place in the house of the deceased.

Considering the facts on record, I am not inclined to grant the prayer of the applicant.

The application is **dismissed**.

JUDGE

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