

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

CRIMINAL APPLICATION (BA) NO. 120 OF 2016

(DINESH SHALIKRAM VILAYATKAR...VS..STATE OF MAH. THR. PSO, MUL, DIST. CHANDRAPUR)

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 : MARCH 10, 2016.

Heard Shri R.R.Dawda, advocate for the applicant
and Shri N.S.Khubalkar, A.P.P. for the non-applicant.

The applicant is arrested on 24th January, 2016
in the crime registered against him for the offence punishable
under Section 307 of the Indian Penal Code.

The accusation against the applicant is that
because of instigation by the victim, the applicant has stabbed
the victim in his stomach by a knife.

The prosecution is opposing the application on
the ground that the victim has given statement about the
incident and that the applicant is involved in two crimes
earlier also.

The learned advocate for the applicant has
submitted that the earlier crimes registered against the
applicant are because of the disputes with the neighbours and
there are counter cases. It is further submitted that because
of the taunts given by the victim, the applicant intended to
report the matter to the police and the victim came with a

knife and tried to restrain the applicant from going to the Police Station and in the altercation the victim is injured. It is further submitted that the non-applicant has not been able to show that the custody of the applicant is required for further investigation.

Considering the nature of the injury, the allegations of involvement of the applicant in the crimes earlier and the fact that the charge-sheet is still to be filed, in my view, the application does not require consideration at this stage.

The application is **rejected**. The applicant may renew his request after one month.

JUDGE

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