

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

CRIMINAL APPLICATION (APL) NO.191 OF 2016

Rajendra S/o Gopichand Patale and ors

..VS..

State of Maharashtra, through its Police Station Officer, Police Station, Goregaon, District
Gondia anr

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

Court's or Judge's Order

Shri A.M. Ghare, counsel for the applicants.
Shr M.J. Khan, Addl.P.P. for non-applicant No.1/State.

CORAM : B.P. DHARMADHIKARI &
KUM. INDIRA K. JAIN, JJ.

DATED : DECEMBER 2, 2016.

Heard learned counsel Shri A.M. Ghare for the applicants and learned Additional Public Prosecutor Shri M.J. Khan for non-applicant No.1/State for some time.

Learned counsel Shri A.M. Ghare for the applicants, in addition to the contentions on merits, has placed reliance upon a Circular taken out by the Union Territory at Delhi to urge that there, as a policy decision offences of present nature are allowed to be compounded.

Learned Additional Public Prosecutor Shri M.J. Khan for the State submits that in the present

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mater there is no such pleading.

During hearing, we find that this Court has issued notice on 18.3.2016 and though investigation was permitted to continue and the applicants were directed to cooperate with the investigating officer, there was a direction not to take any coercive steps against them.

From the description of the parties, it appears that some of them have already retired from the employment.

According to learned Additional Public Prosecutor Shri M.J. Khan, statements of all persons are recorded. He, therefore, states that custody of the applicants may not be required. We find that there is no grievance in the reply that the applicants have not cooperated with the investigating officer.

In this situation, if investigating agency needs custody of any particular applicant, it can apply to the Trial Court and request for it. Such request can be evaluated by the Trial Court in accordance with law.

Subject to it, we direct non-applicant No.1 to present charge-sheet within a period of one month from today to the Trial Court. All contentions of the applicants are left open and the applicants can move

appropriate application thereafter.

With these directions and keeping all rival contentions open, we dispose of the criminal application. No costs.

JUDGE

JUDGE

!! BRW !!

C E R T I F I C A T E

I certify that this Order/Judgment uploaded is a true and correct copy of original signed Order.

Uploaded by : Bhushan R.Wankhede.
(Personal Assistant)

Uploaded on :- 5/12/2016

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