

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

CRIMINAL APPLICATION (APPP) NO.714 OF 2016
IN
CRIMINAL APPLICATION (APPLN) NO. 88 OF 2015 (Decided)
(Sanket @ Santosh s/o Subhash Kotkar Vs. The State of Maharashtra & another)

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

Court's or Judge's orders

Shri S. O. Ahmed, Advocate for the applicant.
Shri S. J. Kadu, A.P.P. for the State.

CORAM : S. B. SHUKRE, J.
DATED : AUGUST 24, 2016

Heard learned Counsel for the applicant and
learned A.P.P. for the State assisted by Shri H. P. Lingayat,
learned Counsel for the complainant-respondent No.2.

Shri P. R. Giri, Sub-Divisional Police Officer,
Chandrapur is personally present. He has handed over a
closed envelope to this Court. The envelope is opened and
report of the Superintendent of Police, Chandrapur is
found to be contained in the envelope. The report is taken
on record and marked "X" for identification. The report
shows that an enquiry has been conducted by the Id.
Superintendent of Police and it was found that he. The
S.D.P.O. could not remain present before this Court as he
was on sanctioned leave and that the statements made to
the Court on his behalf by P.S.I. Shri Sahare were because
of communication gap between the S.D.P.O. and Shri
Sahare. It is also stated in the report that Shri Giri,
S.D.P.O. is having good service record. Shri Giri has also
tendered his unconditional apology to this Court.

The report as well as the apology so submitted
are accepted and the matter is closed so far as it concerns
the conduct of the officer before this Court.

Learned Counsel for the applicant, on instructions, submits that the applicant is willing to reside at Bhadrawati and if he is granted permission to reside there, with liberty to commute between Bhadrawati and Chandrapur, he would be able to pursue further education by taking admission in Chandrapur College. He has also submitted the address where the applicant would be residing accordingly at Bhadrawati. The address is as follows.:

Vinod Uddhavrao Lobhade,
WCL Quarters No.MQ-71,
Urjagram, Bhadrawati.

In view of the above, this application deserves to be allowed and it is allowed.

The condition imposed by this Court on 04/02/2016 (Criminal Application No. 88/2015) that this applicant shall not enter the Chandrapur city, except on the appointed dates for attending the court proceedings till the trial is over, is hereby substituted by the condition that the applicant shall regularly reside at Bhadrawati on the afore stated address and is permitted to commute between Bhandrawati and Chandrapur for the purpose of pursuing higher education from Chandrapur College and also for attending the Court proceedings and after the purpose of attendance at the College and Court proceedings is over, the applicant shall return to Bhadrawati. This condition shall be valid till the trial is over.

Needless to say, the applicant shall not contact or try to contact or influence the prosecution witnesses.

The application is disposed of accordingly.

JUDGE

CERTIFICATE

“I certify that this order uploaded is a true and correct copy of original signed order.”

Uploaded by : W. W. Lichade

Uploaded on : 25/8/2016