

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

CRIMINAL APPLICATION (APL) NO. 651 OF 2016

(Shri Nayan Dadaji Chintalwar vs. The State of Maharashtra thr. PSO, Ajni, Nagpur)

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

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
S.B. SHUKRE, JJ.
NOVEMBER 17, 2016.**

Heard Shri R.S. Nagpure, learned counsel for the applicant and Shri S.S. Doifode, learned APP for respondent No. 1.

Shri Nagpure, learned counsel appearing for the absconding applicant submits that the trial against the other accused persons ended in acquittal and as such, there is no point in asking the present applicant to face trial again. That result must automatically follow in his case also. During arguments, he states that he has no objection if the very same evidence is read against him.

The learned APP submits that in present proceedings under Section 482 of the Code of Criminal Procedure, prayer made is to quash First Information Report. The evidence led after framing of charge in the Sessions Court cannot be relied upon for quashing of FIR.

The question which surfaces in the matter is, whether the provisions of Section 254 and Section 299 of Code of Criminal Procedure are for the benefit of accused or for the benefit of the prosecution.

We grant liberty to the applicant to move

appropriate application and seek necessary orders on the strength of evidence which has already come on record and the acquittal of co-accused.

At this stage, Shri Nagpure, learned counsel, points out that the bail application moved by the applicant has been rejected on the ground that the charge sheet is still not presented. That order can be assailed in appropriate jurisdiction by the applicant.

Leaving all rival contentions in relation thereto open, we dispose of the present application. No order as to costs.

JUDGE

JUDGE

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