

CRIMINAL APPLICATION NO.3328 OF 2017

VERSUS

The State of Maharashtra ... Respondent

.....
Mr.P.P.More, advocate for the applicants
Mr.S.B.Joshi, A.P.P for respondent

CORAM : K.L.WADANE, J.
DATED : 19th JULY, 2017

O R D E R :

Heard Mr. More, learned counsel for the
applicant and the learned A.P.P. for respondent.

2. One Narayan Sambhaji Bidgar, resident of Daudpur, Taluka Parli lodged complaint to the Police Station alleging that on 23/05/2017 at about 7.00 p.m. the informant and his son namely Samadhan were going towards Mondha market for payment of labour. In front Khadkikar Adat applicant no.1 obstructed the motor cycle of

informant and abused him. On the count of Zilla Parishad elections applicant no.1 assaulted his son Samadhan by means of iron rod. Applicant no.3 Vishnu caught hold Samadhan and applicant no.4 snatched a golden chain of 10 tolas. Applicant no.1 snatched amount of Rs.20,000/- from the pocket of the informant. All of them went away by giving threats to the informant.

3. Mr. More, learned counsel submits that there is inordinate delay in filing first information report. The incident took place on 23/05/2017 and the first information report was lodged on 31/05/2017. The reason behind the same is that applicant no.1 herein has filed first information report on 30.5.2017 regarding the same incident of 23/05/2017. The time and place of incident is same as mentioned in the earlier first information report, in which present applicants alleged that two sons of present informant assaulted them with fist and kick blows.

4. On the basis of information given by applicant no.1 offence came to be registered at

Crime No. 247/2017 against the sons of the informant under section 363, 394, 324, 323 of Indian Penal Code.

5. Mr. More, learned counsel further submits that after registration of the Crime against the son of the informant on 30/05/2017 this complaint is filed by the informant, which is after thought. There is no explanation offered on behalf of the informant as to why they have kept mum till 31/05/2017. From record it appears that moment when the first information report was lodged against the sons of the informant, the first information report in the present matter came to be lodged, which apparently seems is after thought. It is alleged that applicant no.2 assaulted son of the informant namely Samadhan with help of iron rod and there was fracture, however, medical certificate of Samadhan is silent to that effect. The investigating officer has not collected further opinion of expert as to whether there was fracture to the wrist of the witness Samadhan or not. Further more, there is reference

in the first information report that there was dispute between the parties in reference to Zilla Parishad elections. Therefore, considering the background of the dispute about the elections of Zilla Parishad, coupled with the delay in filing first information report, I am of the opinion that the applicants can be protected from their arrest. Hence, the following order.

6. Criminal Application is allowed.

Ad-interim relief granted on 5/07/2017 is made absolute.

7. Criminal Application is disposed of.

(K.L.WADANE, J.)

dbm