

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

CRIMINAL APPLICATION (BA) NO. 493 OF 2017

(SACHIN S/O MANOHAR BALLAMWAR...VS.. STATE OF MAH. THR. P.S.O. PS SAOLI,
DIST.CHANDRAPUR)

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

Court's or Judge's orders

Shri A. C. Jaltare, Advocate for Applicant.
Shri N. R. Patil, A.P.P. for Non-applicant.

CORAM : Z.A.HAQ, J.

DATED : 4th JULY, 2017.

Heard.

The applicant is arrested on 13th April, 2016 in connection with crime registered against him for the offence punishable under Section 302 of the Indian Penal Code, on the accusations that the applicant has committed murder of Ashok Mengahalwar.

According to the Investigating Agency, the statement of wife of deceased and the report of DNA test showing presence of blood of deceased on the clothes of applicant, show the involvement of the applicant in commission of crime.

The learned advocate for the applicant has submitted that the case of Investigating Agency is based on circumstantial evidence, that charge-sheet is filed, the investigation is complete and the non-applicant has not been able to point out that the custody of the applicant is required

for further investigation. The learned advocate for the applicant tried to point out discrepancies in the case of prosecution.

However, considering the facts on record, I am not inclined to grant the prayer. But as the applicant is in jail for last about 15 months, the Sessions Court is directed to expedite the trial and conclude it keeping in mind the directions given by the Hon'ble Supreme Court in the judgment given in the case of **Hussain and Another ..vs.. Union of India, reported in AIR 2017 SC 1362**. With the above observations, the application is dismissed.

JUDGE

PBP