

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

Criminal Application (APL) No.401 of 2017

(Mohammad Mushtaq s/o. Mohd. Ismail Khan and Ors. vs. State and another)

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

Court's or Judge's Orders

Mrs.M.N.Hiwase, Advocate for the applicants.
Mr.S.S.Doifode, A.P.P. for the Respondent No.1.
Mr.M.S.Wakid, Advocate for the Respondent No.2.

CORAM : SMT VASANTI A NAIK &
 M. G. GIRATKAR, JJ.

DATE : 20.9.2017.

Heard.

By this Criminal Application, the applicants seek the quashing and setting aside of the First Information Report registered against the applicants under Sections 306, 498-A r/w. Section 34 of the Penal Code.

On a perusal of the material from the Investigation papers that were produced in the Court today by the learned Additional Public Prosecutor, specially the dying declaration, we are not inclined to grant the relief insofar as the applicant no.1 is concerned. In respect of the other applicants, the application for discharge was filed before the trial Court and the said application is rejected. The other applicants would have a remedy of filing a revision against the said order. Since the other remedy was availed during the pendency of this Criminal Application, we are not inclined to consider the prayer of the other applicants for quashing the First Information Report in this application.

Hence, with a liberty to the other applicants to file a revision application or other appropriate proceedings, we dispose of the Criminal Application. Order accordingly.

JUDGE

JUDGE

**jaiswal*