

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

CRIMINAL APPLICATION (BA) NO.763/2017

Shahrukh Khan Matlub Khan

..vs..

State of Maharashtra, thr. PSO PS Guggus, District Chandrapur

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

Court's or Judge's Order

.....
Shri B.H. Tekam, Counsel for the applicant.

Shri R.S. Nayak, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : SEPTEMBER 11, 2017.

1. Heard learned counsel Shri B.H. Tekam for the applicant and learned Additional Public Prosecutor Shri R.S. Nayak for the State.

2. The applicant is arrested in connection with Crime No.223 of 2016 registered with Police Station Guggus, District Chandrapur for the offences punishable under Sections 302, 201, 212, 107, 109, and 120B read with Section 34 of the Indian Penal Code read with Sections 4 and 25 of the Arms Act, 1959 and Sections 135 of the Bombay Police Act, 1951 and Section 3(1)(i), 3(2), 3(3) of the Maharashtra Control of Organized Crime Act, 1999 (MCOCA).

3. The State has filed the reply, which is taken on record.

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4. From the reply, it is pointed out that the first information report is given by one Sujeet Kumar Nirajchandra Ghosh on 3.4.2016. The first informant is working as a Senior Overman, Western Coalfields Limited, Guggus Open Cast Mine. He called one Kiran Bandurkar for repairing damaged pipes situated in the mining area. Said Kiran came along with Areef Shaikh on the motorcycle. Said Areef was done to death by the accused persons.

5. According to the reply, on 4.4.2016 the present applicant and two others namely Kadir Sheikh and Anis Sheikh surrendered themselves at Police Station Chandrapur in respect of the present crime. During the investigation, the present applicant also gave his confessional statement.

Learned counsel for the applicant submits that immediately said is retracted. However, the fact remains that the applicant made a confessional statement. What will be the evidential value of his confessional statement, in such situation, the same will be decided during the course of the Trial.

6. As per the confessional statement, the police party had been to the place from where the knife is recovered.

7. Looking to the serious nature of accusations against the present applicant, I see no reason to grant any discretionary relief in favour of the present applicant.

Hence, the criminal application is rejected.

JUDGE

!! BRW !!