

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

CRIMINAL APPLICATION (ABA) NO.735/2017

Sonu @ Shobit Jaiprakash Chauhan ..Vs.. State of Maharashtra through
PSO P.S. Yavatmal City, Yavatmal

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

Court's or Judge's orders.

Mr. M. N. Ali, Advocate for applicant.
Mr. A. Madiwale, A.P.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.
DATED : DECEMBER 13, 2017

1. Heard Mr. M. N. Ali, Advocate for applicant and
Mr. A. Madiwale, A.P.P. for non applicant-State.

2. Both the learned counsel submitted that on the
last occasion, oral directions were given to the applicant to
file documents showing that he is a bona fide student.
Accordingly, the applicant filed Criminal Application
No.2104/2017 for permission to file documents along with
documents showing that the applicant has taken admission
in Pataldhamal Wadhwani College of Pharmacy, Yavatmal
and is prosecuting his studies in D. Pharm. First Year.

The said application is allowed and the
documents are taken on record.

3. It is also stated by both the learned counsel that
this Court has directed the learned A.P.P. to verify the claim

of the present applicant that he is a bona fide student of the said college and is attending the college.

3. The learned A.P.P. hands over a communication issued by Principal, Pataldhamal Wadhwani College of Pharmacy, Yavatmal to the Police Inspector, Police Station, Yavatmal City, which shows that the applicant obtained admission in the college through Central Admission Process but from the date of admission till 09.12.2017, he remained absent from the class and at no point of time, he attended the class. The learned A.P.P. also invited my attention to the notice given by the Principal to the father of the applicant pointing out absence of the applicant from the college. The document tendered by the learned A.P.P. is taken on record and marked "X" for identification. From the aforesaid communication issued by the Principal of the college, it is clear that though the applicant has taken admission, he is not prosecuting the studies. Therefore, merely because he has taken admission, he cannot be termed as student of the college.

4. After hearing the learned counsel for the applicant for quite some time, when this Court was about to dismiss the application, the counsel for the applicant submits that he wants to withdraw the present application.

Permission is granted as prayed for.

The application is dismissed as withdrawn. However, it is made clear that in future if an application for regular bail is filed before the competent Court, the competent Court shall decide the same keeping in mind that the applicant is not a bona fide student and the offence is of serious nature.

JUDGE

kahale