

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 841 OF 2017

Santosh Tukaram Deokar and Ors. ... Applicants
Vs.
The State of Maharashtra and anr. ... Respondents

Mr. Rupesh Zade for the applicants.

Smt. A.S. Paia, APP for the respondent State.

Mr. Rahul Kadam for R.No. 2.

**CORAM : B.P. DHARMADHIKAKRI &
SARANG V. KOTWAL, JJ.**

DATE : NOVEMBER 28, 2018

P.C.:

The contention of the applicant is that because of communication dated 3/8/2017 sent by the I.O., the trial court has added section 307 and there are no allegations on these lines in the FIR. It is further claimed that the FIR also does not specifically name any particular act on the part of the applicants. The applicant nos. 4 to 9 were not residing with the complainant.

2. After hearing the respective counsel for the respondents, we find that we cannot look into such arguments at this stage. The communication sent by the I.O. clearly shows that during the investigation, he has come across some material which satisfies the ingredients of section 307 of IPC. Hence, in this jurisdiction,

we are not inclined to intervene in the matter. We make it clear that the observations made by us are only for the purpose of examining the controversy under section 482 and shall not prejudice the contention of the petitioners, With liberty the petitioner to raise the appropriate contentions before the trial court and keeping it open, we dispose of the present proceedings.

(SARANG V. KOTWAL, J.)

(B.P. DHARMADHIKARI, J.)