

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.1210 OF 2017

Rakesh Tukaram KoshtiApplicant
V/s.
The State of Maharashtra & Anr.Respondents

Mr. Hitesh P. Shah, Advocate for Applicant.
Mrs. Anamika Malhotra, APP for the Respondent-State.

**CORAM :- R.M.SAVANT &
SANDEEP K. SHINDE, JJ.**

DATE :- 20TH FEBRUARY, 2018.

PC. :-

The above Criminal Application is filed for quashing of the proceedings being C.R.No.252 of 2016 arising out of FIR No.296 of 2016 which was registered on 28.5.2016 for the offences punishable under Sections 302, 307, 323,143, 144, 147, 148, 149, 120-B, 109, 212 and 34 of IPC with the Panchavati Police Station, Nashik.

2 Quashing of the proceedings against the Applicant is sought on the ground that the Applicant was not at the spot of incident when the incident took place and, therefore, the Applicant is invoking the defence of alibi. The learned counsel for the

Applicant draws our attention to the material on record by way of CDR Reports to buttress his said contention. It is not possible for us at this stage to consider the material on record and to go into the factual aspect and then arrive at a conclusion whether defence of alibi taken by the Applicant is required to be accepted. We, therefore, do not deem this a fit case to exercise our jurisdiction under Section 482 of the Code of Criminal Procedure, 1973.

3 The Application is accordingly rejected.

(SANDEEP K. SHINDE, J.)

(R.M.SAVANT, J.)