

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

Criminal Application (APPW) No.111 of 2018

In

Criminal Writ Petition No.554 of 2011

[Dnyaneshwar Anandrao Nagadeve v. State of Maharashtra and others]

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

Shri P.K. Sathianathan, Advocate for Applicant/Petitioner.
Shri M.J. Khan, Additional Public Prosecutor for Respondents.

Coram : R.K. Deshpande & M.G. Giratkar, JJ.

Dated : 15th June, 2018

Shri Sathianathan, the learned counsel for the applicant-petitioner, does not press this application, as the applicant has filed Criminal Application (APPW) No.123 of 2018. Hence, Criminal Application No.111 of 2018 stands disposed of.

We have heard Shri Sathianathan, the learned counsel for the applicant-petitioner in Criminal Application (APPW) No.123 of 2018. We have also gone through the controversy involved on merits of the matter, as Criminal Writ Petition No.554 of 2011 was dismissed on 27-4-2008 without hearing the learned counsel for the applicant-petitioner.

We find that the arrest panchanama shows the arrest at 2 a.m. on 30-9-2008. Shri Sathianathan, the learned counsel for

the applicant-petitioner, has invited our attention to the communication dated 9-7-2010, addressed to the Police Superintendent by the Assistant Police Inspector, wherein it is stated that the petitioner was brought in the Police Station on 29-9-2008. He has also relied upon the reply filed by the petitioner, in which it was stated that during the investigation, the confessional statement of the petitioner was recorded on 29-9-2008. He has also invited our attention to the affidavits of the employees working in the Bank, from where the petitioner was picked up at 12.30 p.m. on 29-9-2008.

We find that there are disputed questions of fact involved in the matter. Hence, we are not inclined to alter the order passed by us on 27-4-2018.

Criminal Application No.123 of 2018 is thus dismissed.

(M.G. Giratkar, J.)

(R.K. Deshpande, J.)