

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

CRIMINAL APPLICATION (APPP) NO.1274 OF 2018
IN CRIMINAL APPLICATION (APL) NO. 615 OF 2017

(Zahiruddin Islamoddin Sheikh and others vs. The State of Maharashtra and another)

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

Shri M.N. Ali, Advocate for applicants.

Ms. H.N. Jaipurkar, Additional Public Prosecutor for
respondent no.1.

Mrs. Deshpande, Advocate for respondent no.2.

CORAM : P.N. DESHMUKH AND
MRS. SWAPNA JOSHI, JJ.

DATED : SEPTMEBER 6, 2018

Heard learned Counsel for the parties.

This application is taken out by applicants to recall order dated 22/6/2018 contending that same came to be passed whereby application came to be dismissed granting liberty in favour of applicants to file discharge application before trial Court as on instructions, applicants' Counsel made a statement that charge-sheet is filed.

Today, Shri Ali, learned Counsel for applicants, submits that said statement came to be made inadvertently. In fact, present application for quashing of first information report arises out of Crime No.239/2017 registered by Police Station, Mangrulpir on 27/7/2017 against applicants and copy of charge-sheet placed on record at Annexure "A" is arising out of F.I.R. No.57/2014 registered by Police Station, Pinjar, District

Akola. It is submitted that copy of this charge-sheet is filed at Annexure "A" to demonstrate that offences were registered against applicants as a counter-blast to filing of aforesaid complaint.

In that view of the matter, relying upon statement made by learned Counsel for applicants, we recall order dated 22/6/2018 dismissing application for the above reasons. In the circumstances, Criminal Application No.1274/2018 is allowed. Criminal Application No.615/2017 is restored on the file of this Court.

Issue notice to respondents.

Ms. Jaipurkar, learned Additional Public Prosecutor waives notice for respondent no.1. Mrs. Deshpande, learned Counsel waives notice for respondent no.2.

Ms. Jaipurkar, learned Additional Public Prosecutor, makes a statement that charge-sheet in F.I.R. No. 239/2017 is filed before trial Court and same is registered as Criminal Case No. 125/2018.

Shri Ali, learned Counsel for applicants, seeks time to obtain instructions for making a statement about filing discharge application.

Stand over to 14/9/2018.

JUDGE

JUDGE

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