

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

Criminal Application No.1439 of 2019

* Sayyad Jalees s/o Sayyad Khuddus,
Age 33 years,
Occupation: Medical Representative,
R/o Farhat Nagar, Jatwada Road,
Aurangabad, Dist Aurangabad. .. **Applicant.**

Versus

- 1) The State of Maharashtra
Through Police Inspector,
Police Station CIDCO,
Aurangabad, Dist Aurangabad.
- 2) Shaikh Shoeb s/o Shaikh Haneef,
Age 31 years,
Occupation: Medical Representative,
R/o Naikwadi Mohalla, Shevgaon,
Taluka Shevgaon, Dist Ahmednagar
Presently residing at
144, Priyadarshani Colony,
Padegaon, Aurangabad,
Dist Aurangabad. .. **Respondents.**

Shri. S.V. Chandole, Advocate, holding for Shri. B.M.
Waghmare, Advocate, for applicant.

Shri. R.D. Sanap, Additional Public Prosecutor, for
respondent No.1.

Shri. K.N. Shaikh, Advocate, for respondent No.2.

**Coram: T.V. NALAWADE &
K.K. SONAWANE, JJ.**

Date: 4th OCTOBER 2019

ORAL JUDGMENT (Per T.V. Nalawade, J.):

1) Rule. Rule made returnable forthwith. By consent heard both the sides for final disposal.

2) The proceeding is filed for the relief of quashing of Sessions Case No.277/2016 presently pending in the court of the learned Additional Sessions Judge-6 Aurangabad. The case is filed under sections 307, 504, 506 of the Indian Penal Code and it is filed in Crime No.I-64/2016 which was registered with CIDCO Police Station, Aurangabad for these offences.

3) During arguments learned counsel for the applicant and the respondent No.2-informant submitted that they were friends and they were playing cricket together and due to some petty incident altercation took place and the incident took place. The informant has no intention to give evidence against the present applicant. This Court has seen the injury certificate. Though when cricket bat was shown to be used the weapon is described as sharp object. As the informant has no intention to give

evidence and there are aforesaid circumstances this Court holds that relief needs to be given.

4) In the result, the application is allowed subject to deposit of Rs.10,000/- by the informant with the High Court Legal Services Sub Committee Aurangabad within 15 days. Only after deposit of this amount it is to be presumed that relief in terms of prayer clause (C) is granted. Rule made absolute in those terms.

Sd/-
(K.K. SONAWANE, J.)

Sd/-
(T.V. NALAWADE, J.)

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