

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

CRIMINAL APPLICATION (ABA) NO.124 OF 2019

(Santosh s/o Sambashiv Utalwar ..vs.. State of Maharashtra, through PSO, PS Gadchandur)

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

Court's or Judge's orders

Shri S.G. Joshi, Counsel for the applicant,
Smt. Ritu Sharma, Addl.P.P. for the non-applicant/State.

CORAM : ROHIT B. DEO, J.

DATED : 27-06-2019

The applicant is implicated in Crime 26/2019 registered at Gadchandur Police Station, District-Chandrapur for offences punishable under Sections 379 and 395 of the Indian Penal Code and Sections 4 and 25 of the Indian Arms Act.

2. It is stated by the learned Additional Public Prosecutor that the prosecution is not invoking Section 395 of the Indian Penal Code.

3. The accused is implicated in the crime since the co-accused revealed that the stolen coal is sold to the accused.

4. It is not in dispute that the charge-sheet is filed.

5. The Investigating Officer has also seized 56700 kg. coal pursuant to the information given by the

applicant.

6. It is not the case of the prosecution that the applicant has committed breach of the interim order or that the liberty is misused.

7. In this view of the matter, the application is allowed.

8. The interim order dated 27-2-2019 is confirmed with the modification that the applicant shall attend the Police Station Gadchandur as and when directed by the Investigating Officer in writing.

JUDGE

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