

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

Criminal Application No. _____ of 2019
in
Criminal Application (ABA) No. 266 of 2019
(Sanjay Shankarprasad Dubey Vs. State of Maharashtra)

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

Court's or Judge's orders

Shri P.S. Jaiswal, Advocate for the applicant
Shri V. P. Gangane, APP for the State/non-applicant
Shri Y. B. Mandpe, Advocate to assist the prosecution.

CORAM : M. G. GIRATKAR, J.

DATED : 02/05/2019

Heard Shri Y. B. Mandpe, learned counsel for the applicant.

Looking to the grounds mentioned in the application, the application is allowed. Shri Mandpe learned counsel is permitted to assist the prosecution.

Criminal Application (ABA) No. 266 of 2018

Heard learned Advocate Shri Jaiswal for the applicant. Application of the applicant came to be rejected by District Judge-7 and Additional Sessions Judge, Nagpur on the ground that after perusal of case diary and medico legal certificate show that there was assault on the head of the complainant- Shubham Mohile. He was referred to neurosurgery. Perusal of the case papers show that there are allegations against the present applicant of assaulting the complainant and his brother by means of bat and iron rod.

Learned Advocate Mandpe pointed out the medico legal certificate issued by Consultant-Neurosurgery-Dr. Ajay Kurve.

As per this certificate, complainant Shubham Mohile was admitted at Wockhardt Hospitals, Nagpur from 08.04.2019 as a case of head injury. As per his observation, Craniotomy + Elevation of depressed fractured fragment done on 09.04.2019 on applicant. At present, a patient/complainant is admitted and is under treatment.

Looking to the injuries caused to the complainant and the weapon used in the crime custody of applicant is required to recover weapon. Hence, the applicant is not entitled for any protection. The application is rejected.

JUDGE