

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

Criminal Application (ABA) No.517 of 2019
(Fahimoddin s/o Shamshoddin Khan .vs. State of Maharashtra through PSO
PS Frezarpura, Amravati.)

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

Court's or Judge's orders.

Mr. G.L. Agrawal, Advocate for Applicant
Mr. H.R. Dhumale, APP for Non-applicant/State.

CORAM : Manish Pitale, J.
DATED : July 31, 2019.

The applicant herein has approached this Court apprehending arrest in connection with first information report (FIR) dated 08.06.2019 for offences under Sections 307, 504, 506 and 323 of the Indian Penal Code. Since an advance copy of the application has been served on the office of the Government Pleader and the learned APP has appeared in this case, this Court has taken up this application for hearing.

2. The allegation against the applicant is that on the date of the incident, he assaulted the victim first by slapping him and thereafter pouring diesel on him and seeking to set him ablaze. The only fault of the victim appears to be that he agreed to take lift from a person who was driving a car and the applicant was agitated with the person who was driving the car, claiming that he had no right to pick up passenger in this manner. The applicant is a taxi driver and it appears that the root cause of the said incident is the belief of the applicant that he had a right to pick up passengers from the place

in question.

3. Although the learned counsel for the applicant pointed out that no weapon was used in the present case and that the victim was actually never set ablaze, but the manner in which the applicant appears to have behaved in the present case, being agitated on a trivial matter and almost setting ablaze the victim, this Court is of the opinion that since the investigation is at initial stage, the present application cannot be granted.

4. In view of the above, the present application is dismissed.

JUDGE

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