

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO.4395 OF 2014

Sushil Gorakhnath Gaikwad and Ors.

...Petitioners

vs.

The State of Maharashtra

...Respondent

Mr. V. V. Purwant a/w Mr. Rushikesh Kale for the Petitioners.
Mr. K. V. Saste, APP for the Respondent/State.

**CORAM : B. P. DHARMADHIKARI &
N. R. BORKAR, JJ.
DATE : 24/1/2020.**

PC.:

. Heard for some time. Our attention is invited to statement of informant Ambadas Ramchandra Deshmukh dated 27/4/2013 and informant Ramesh Digambar Katakdhond of same date. Contention is both refer to same incident and as such two different offences could not have been registered by recording 2 FIRs. Learned counsel submits that the latter FIR could have been merged into the first FIR.

2. We find that on information furnished by Ambadas Deshmukh Crime No.111/2013 under section 452, 324, 323, 504, 143, 147, 158, 149 of IPC and section 135 of the Bombay Police Act is registered.

3. On the basis of statement of police constable FIR No.112/2013 under sections 307 353, 333, 143, 147, 148, 149 of IPC and under section 135 of the Bombay Police Act has been registered.

4. It therefore shows that some of the offences registered are entirely different.

5. Charge-sheets have already been filed and both the matters are already committed to the very same Sessions Court.

6. In this situation, at this stage we are not inclined to examine the other niceties.

7. As the incident is same, the petitioner can request the trial Court to hold trial jointly. The question of prejudice, if any can be raised by them while arguing the matter before trial Court. Hence, with this liberty we dispose of the petition.

8. At this stage it is pointed out to the Court that trial in furtherance of FIR No.111/2013 is pending on the file of JMFC. The petitioner to move appropriate application for its transfer to Sessions Court in accordance with law.

(N. R. BORKAR, J.)

(B. P. DHARMADHIKARI, J.)