

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

CRIMINAL APPLICATION (ABA) 12 OF 2020

(Vishal s/o. Vijay Pitale..vs..State, thr PSO, PS, Shirkhed, Tq. Morshi)

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

Court's or Judge's orders.

Shri R.M. Daga, counsel for applicant.
Shri Ghodeswar, Addl. Public Prosecutor for non-applicant /respondent.

CORAM: ROHIT B. DEO, J.

DATE: 17th FEBRUARY, 2020.

Heard Shri R.M. Daga, the learned counsel for the applicant.

2. The applicant is apprehending arrest in Crime 287/2019 registered with Police Station Shirkhede, District Amravati for the offence punishable under sections 379, 411 read with section 34 of the Indian Penal Code.

3. The stolen property is aluminum wires.

4. The applicant is implicated on the premise that he purchased the stolen property.

5. The submission is that the property which is seized by the Police from the godown of the applicant was not stolen property but was owned by the applicant who is holding an electrical contractor's licence. It is further submitted that there is absolutely no material on record to suggest that the property was purchased, assuming that the property was purchased from the persons involved in the crime, knowing that the property was stolen. It is further stated that pursuant to the interim order of this Court, the applicant has attended the Police Station and has cooperated with the police since last two weeks.

6. This is not disputed by the learned Addl. Public Prosecutor.

7. In this view of the matter, the applicant has made out a case for exercising discretion in favour of the applicant. The interim order dated 10.1.2020, is made absolute.

(Rohit B. Deo, J.)

Belkhede RS