

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

CRIMINAL WRIT PETITION NO.151 OF 2018
(Shaikh Shakil Shaikh Kasam vs. The State of Maharashtra and others)

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

Shri N.R. Patil, Assistant Public Prosecutor for
respondent nos.1 to 3.

CORAM : SUNIL B. SHUKRE AND
AVINASH G. GHAROTE, JJ.

DATED : DECEMBER 17, 2020

Nobody is present for the petitioner. On the last date also, the position was not different. It shows that the petitioner has lost his interest in prosecuting the present petition. The petition is pending since 2018 and this Court has also given sufficient opportunity to the petitioner for presenting his case before this Court, but to no avail. In these circumstances, we have heard finally this petition on its own merits.

2) Heard Shri Patil, learned Additional Public Prosecutor for respondent nos.1 to 3. Perused the first information report, reply of respondent nos.1 to 3 and other documents placed on record.

3) It is seen that on the basis of complaint

lodged by Shaikh Javed Shaikh Kasam, husband of the victim of the crime, offences punishable under Sections 324 and 504 read with Section 34 of Indian Penal Code vide Crime No. 427/2017 have been registered at Police Station, Ramdaspath, Akola against the petitioner and his associates.

4) It is the contention of the petitioner that at the time when the alleged assault was made on the victim of the crime, namely, Gangubai, the petitioner was not present at the scene of occurrence and so he is innocent and yet, he has been falsely implicated in the present crime by Ramdaspath Police Station.

5) The reply filed on behalf of respondent no.3 Police Station Officer, Police Station, Ramdaspath, Akola indicates many details of the incident. Upon consideration of these details, the only conclusion that can be drawn in a prima facie manner is about involvement of the present petitioner in the crime registered against him. There is evidence available on record, which is in the nature of CCTV camera footage. It reveals many facts, about which it may not be proper for this Court to make any comments at this stage. Suffice it to say that from the evidence of CCTV camera footage along with statements of witnesses and also the allegations made in the first information report

itself by the informant, it can be said that the petitioner has played some role in commission of the offence. If it is the contention of the petitioner that he was not present at the relevant time at the scene of occurrence, it will be a matter of defence. The burden for proving of the same would be upon the petitioner and it can be discharged only at the time when the case comes up for recording of evidence. Therefore, at this stage, no interference with the investigation being made by Police can be made. There is no merit in the petition. Hence, the petition is dismissed.

JUDGE

JUDGE

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