

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

907 CRIMINAL WRIT PETITION NO.753 OF 2021

AMOL DEVIDAS JOGDAND
VERSUS
THE STATE OF MAHARASHTRA

Mr.D.A. Mane, Advocate for the petitioner.
Ms.R.P. Gaur, APP for the respondent/State.

CORAM : N.R.BORKAR, J.
DATED : 21.10.2021

PC :-

01. This petition takes an exception to the order dated 15.03.2021 passed by the Additional Sessions Judge, Beed, below Exh.42 in Sessions Case No. 76 of 2018.

02. The petitioner who is facing trial along with one more co-accused for the offences punishable under sections 307, 452, 323, 504, 506 r/w 34 of the Indian Penal Code, has filed application for discharge. The learned Additional Sessions Judge rejected the said application by the order impugned.

03. I have heard learned Counsel for the petitioner

and learned APP for the respondent-State.

04. It is submitted that no role is attributed to the petitioner in the crime in question except the fact that he was accompanying the co-accused who allegedly fired gunshot at the complainant. It is submitted that on the basis of material on record no offence can be said to have been committed by the petitioner. It is accordingly submitted that the trial court, therefore ought to have discharged the petitioner.

05. On the other hand, learned APP for the respondent-State submits that there are eye witnesses to the incident. It is submitted that according to the eye witnesses the present petitioner came with the co-accused who fired the gunshot at the complainant. It is further submitted that considering the material on record the trial court was justified in rejecting the discharge application.

06. I have perused the FIR. According to the complainant the present petitioner and the co-accused who is brother of the petitioner came to their house and started abusing to her brother-in-law. When her brother-in-law had questioned them about their alleged act, according to the complainant, the brother of the petitioner had fired gunshot at them. There are eye witnesses to the incident. Considering the facts and circumstances, the trial court was justified in rejecting the discharge application. No interference is called for in the order impugned. The petition is dismissed.

[N.R.BORKAR, J.]