

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

Criminal Application (BA) No.275/2021

(Subhash Sabe V State of Maharashtra, thr PSO PS Shivaji Nagar, Khamgaon)

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

Court's or Judge's orders

Shri S.V Sirpurkar, Adv for applicant.
Ms H. Jaipurkar, APP for State.

CORAM : S.M. MODAK, J.
DATE : 21-04-2021.

Hearing was conducted through video conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. Heard learned Advocate Shri S.V. Sirpurkar for the applicant and Ms Jaipurkar, learned APP for the State.

3. The first informant Swati Mahadeo Sabe and this applicant are the relatives. The applicant is the brother in law of the first informant. There is a dispute on account of land in between the husband of the first informant and the applicant. There are papers filed by the applicant to that effect. One रा. प्र. Appeal is going on in the Court of Sub-Divisional Officer, Khamgaon.

4. The incident took place on 21-02-2021 at about 2.00 am. The first informant was abused by her sister-in-law Varsha. The present applicant and his mother Bhagirathabai came there and they also beat the first informant with fists and blows. The first informant fell down and she was also beaten on her head. The present applicant tried to strangle with the help of Saree. When she shouted the neighbours intervened and she was rescued.

5. She was admitted to Lifeline Hospital, Khamgaon. She was discharged on 25-02-2021. The Police went there and recorded her statement on 22-02-2021. On the basis of which offence under Sections 307, 354, 324, 323, 504 read with Section 34 of the Indian Penal Code was registered. All the three accused persons came to be arrested. Out of, two ladies were released on bail whereas application of this applicant came to be rejected by the Sessions Court.

6. According to the applicant, the incident has not taken place in the manner alleged by the first informant. Whereas his wife Varsha has lodged the complaint against the present first informant Swati on the date of incident itself i.e on 21-02-2021. Non cognizable offence under Sections 323, 504 and 506 of the Indian Penal Code was registered against the present first informant. Earlier to this on 17-02-2021, there was one more Non cognizable offence under Sections 504 and 506 of the Indian Penal Code was registered at the instance of the present applicant. It was registered against Mahadeo Laxman Sabe who is the husband of the present first informant.

7. At this stage, learned Advocate for the applicant seeks liberty to withdraw the application to file fresh application after the chargesheet is filed before the Sessions Court.

8. The applicant is granted permission to withdraw the application with liberty to move Sessions Court after the chargesheet is filed.

9. Application is disposed of as withdrawn.

(S.M. Modak, J.)