

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

CRIMINAL APPLICATION (APL) NO.302/2020

Shaikh Javed Shaikh Iqbal Vs. State of Maharashtra and anr.

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

Court's or Judge's orders

Shri A. J. Dhoble, Advocate (Appointed) for Applicant.
Shri S. D. Sirpurkar, A.P.P. for Non-applicant No.1/State.

CORAM : Z. A. HAQ AND
AMIT B. BORKAR, JJ.

DATE : 29/01/2021.

1. Heard.
2. By this application under Section 482 of the Code of Criminal Procedure, the accused has prayed that the First Information Report bearing No.457 of 2019 registered against him with the non-applicant No.1 – Police Station for the offences punishable under Sections 384 and 506 read with Section 34 of the Indian Penal Code be quashed.
3. In response to the notice issued by this Court, non-applicant No.1 – Police Station Officer has filed reply. It is stated that the investigation is complete and charge-sheet is filed on 25.04.2020. It is further pointed out that during investigation sufficient material is found against the applicant which prima facie shows the involvement of applicant in the crime. It is stated in the reply that the SDR and CDR of mobile phone number of the Informant,

present applicant and other accused are also obtained during investigation and the motorcycle involved in the crime is also seized. It is pointed out that as per the CDR, applicant had made phone call from his cell phone to the Informant on three occasions on 12.08.2019.

4. Considering the facts of the case and the reply filed by the non-applicant No.1 – Police Station Officer, in our view, this is not a fit case to exercise the jurisdiction under Section 482 of the Code of Criminal Procedure.

5. It is well settled that at this stage we have to only examine whether the accusations made against the accused are prima facie there or not. As we find that the material collected during investigation is sufficient to prosecute the applicant, the criminal application is dismissed.

JUDGE

JUDGE