

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

25 CRIMINAL APPLICATION NO.2876 OF 2021

VILAS GORAKSHNATH DOKHE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

.....
Advocate for Applicant : Mr. Patil Dnyaneshwar J (appointed)
APP for Respondent-State: Mr. M. M. Nerlikar
.....

**CORAM : V. K. JADHAV AND
SANDIPKUMAR, C. MORE, JJ.
DATED : 24th JANUARY, 2022**

PER COURT:-

1. We have heard learned counsel for the applicant for some time. Learned counsel for the applicant submits that though the incident had allegedly taken place on 5.3.2021 however, the complaint came to be lodged belatedly i.e. on 12.3.2021, for which no explanation has been tendered. Learned counsel submits that in respect of the incident occurred on the same date, time and place, the applicant Vials has lodged counter complaint in the concerned police station on 9.3.2021 and on the basis of his complaint crime No. 212 of 2021 came to be registered for the offence punishable under Sections 324, 323, 143, 147, 148, 149, 427 of I.P.C. Learned counsel submits that, in order to counter the complaint filed by the applicant, the complaint which is subject matter of this criminal application came to be lodged subsequently.

2. We have carefully gone through the contents of the complaint. It appears that respondent No.2 informant, after the incident, was admitted in Sakhar Kamgar Hospital and his complaint came to be recorded by the police in the said hospital itself. Furthermore, name of the applicant is mentioned in the complaint along with co-accused persons, five in numbers. It has been specifically alleged in the complaint that this applicant and co-accused persons have forcibly entered into the house of the complainant and extended him beating. In consequence thereof, respondent No.2 informant has sustained fracture injury on his left hand, and severe injuries on his abdomen, ribs etc. It has been alleged in the complaint that co-accused persons have used the weapon wooden log, iron rod etc. in the alleged commission of crime

3. There are direct allegations against the applicant by attributing him a specific role. We are not inclined to entertain this application. Criminal application is hereby rejected.

(SANDIPKUMAR. C. MORE, J.)

(V. K. JADHAV, J.)

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