

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

CRIMINAL APPLICATION (APL) NO.95/2021

Ajay Gajananrao Mhala and Ors. Vs. State of Maharashtra

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

Court's or Judge's orders

Shri Y. S. Gorle, Advocate for Applicants.
Ms M. A. Barabde, A.P.P. for Non-applicant/State.

CORAM : V. M. DESHPANDE AND
AMIT BORKAR, JJ.

DATE : 29/04/2022.

1. Heard Shri Y. S. Gorle, learned counsel for the applicants and Ms M. A. Barabde, learned A.P.P. for the State and also perused the detailed reply filed on behalf of the prosecuting agency.

2. It is the submission of the learned counsel for the applicants that the applicant No.4 was not present at the time of the incident. Thus, the applicant No.4 is setting up the plea of alibi, which can be decided only during trial. From the First Information Report and the reply, it is crystal clear that this is a case wherein the prosecuting agency has *prima facie* made out a case against each of the applicants, which is required the trial and at this stage while exercising power under Section 482 of the Code of Criminal Procedure, the case of the applicants cannot be appreciated. Hence, the application is rejected.