

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

CRIMINAL APPLICATION (APPP) NO. 181 OF 2021 IN CRIMINAL
APPLICATION (APL) NO. 431 OF 2020 DECIDED ON 10th DECEMBER
2020

Nakir Khan Vs. State of Maharashtra and another

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

Court's or Judge's orders.

Mr. R.J. Mirza, Advocate for the applicant
Mr. M.K. Pathan, APP for non-applicant No.1 / State
Ms. Poonam Moon, Adv. h/f Mr. Shaikh Sabatullah, Adv. for the non-
applicant No.2

CORAM : V.M. DESHPANDE AND
G.A. SANAP, JJ.

DATE : 4th JANUARY 2022

This is an application for speaking to minutes in respect of the judgment and order dated 10th December 2020. The applicant was one of the accused in Crime No. 96/2020, registered with Police Station City Kotwali, District Akola for the offences punishable under Sections 452, 354, 294, 323, 504, 506 read with Section 34 of the Indian Penal Code and Sections 3 and 25 of the Arms Act. In the First Information Report, along with applicant Nakir Khan, one Naushad Khan Hussain Khan was also one of the accused.

2. The non-applicant No.2 herein is the original complainant.

3. Applicant Nakir Khan (who is shown as accused No.2 in the First Information Report) only approached to this Court by filing Criminal Application (APL) No.431/2020. After hearing the learned counsel for the applicant, learned Additional Public Prosecutor for the State and learned counsel for the original complainant, this Court allowed the application under Section 482 of the Code of Criminal Procedure. However, in our view, the learned counsel for the applicant is right in submitting that the entire First Information Report is quashed though only Nakir Khan has approached to this Court.

4. We have perused the judgment also. It does not indicate that the case of another accused was considered by this Court. In that view of the matter, the mistake has crept in the operative portion of the judgment dated 10th December 2020.

5. In that view of the matter, I pass the following order :

ORDER

- i. The application is allowed.
- ii. In the operative order of the judgment dated 10th December 2020, in clause No.(ii), after the end it should be typed, “to the extent of the applicant alone” and following shall be substituted in place of clause No.(ii) of the operative portion.

“ii) The First Information Report vide Crime No.96 of 2020, registered with Police Station, City Kotwali, Akola, for the offences punishable under Sections 452, 354, 294, 323, 504, 506 read with Section 34 of the Indian Penal Code and read with Sections 3 & 25 of the Arms Act, 1959, are hereby quashed and set aside to the extent of the applicant alone.”

6. “The application is allowed and disposed of”.

7. The order be uploaded after correction.

JUDGE

JUDGE

MP Deshpande