

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

CRIMINAL APPEAL NO.453 OF 2021

(Atul Vishwanath Dhonge .Vs. State of Maharashtra and Anr.)

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

Court's or Judge's order

Shri. S. K. Bhoyar, Advocate for Appellant.
Shri. A. R. Chutke, APP for Respondent No.1/State.
Ms. S. H. Bhatia, Advocate (Appointed) for Respondent No.2.

CORAM : AVINASH G. GHAROTE, J.

DATE : 20th JUNE, 2022.

. Heard Mr. S. K. Bhoyar, learned Counsel for Appellant and Mr. A. R. Chutke, learned Additional Public Prosecutor for Respondent No.1/State assisted by Ms. S. H. Bhatia, appointed learned Counsel for Respondent No.2.

2. Today, the case diary has been produced by the learned APP. A perusal thereof, indicates that there is contradiction between the only witness to the alleged incident and the statement of the complainant. There is also delay of nearly two days in filing of the complaint in as much as, the alleged incident is dated 01.10.2021 and the complaint has been filed on 03.10.2021. Two of the persons named in the complaint state, that they were not present in the monthly meeting on the alleged date of incidence and therefore claim, that they have not heard anything. The only eye witness claims that certain other persons, were also called and present in the said meeting, which is not what the complainant herself has stated, considering which, it clearly appears there is

controversy regarding happening of the incident itself, in view of which, a case for confirmation of the ad-interim order dated 29.10.2021 is made out. The Appeal is accordingly **allowed** in terms of the interim order dated 29.10.2021, which is hereby confirmed.

JUDGE

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