

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

**CRIMINAL APPLICATION (APL) NO.1370/2022
Shivaji s/o Bhaskar Ghuge**

..VS..

State of Mah., thr.PSO PS Malegaon, Taluka Malegaon, District Washim and anr

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

Court's or Judge's Order

Mr.S.D.Chande, Counsel for the Applicant.
Mr.M.K.Pathan, Additional Public Prosecutor for the Non-applicant 1.

CORAM : ROHIT B.DEO & URMILA JOSHI-PHALKE, JJ.

DATED : 11/10/2022

1. Learned counsel Mr.S.D.Chande for the applicant would submit that the applicant is falsely implicated in the incident and as a fact the applicant was on duty as police constable attached to Washim Police Station, about 35 kilometers away from the place of the incident.

2. Broadly, the case against the applicant is that he and the co-accused assaulted Angad with an axe. The First Information Report attributes specific role that the applicant assaulted Angad on the head with an axe.

3. The learned counsel for the applicant is however insisting that the innocence of the applicant would be easily established from the C.C.T.V. Footage which is available. We see no reason delve deeper at this stage. We would rather trust the Investigating Officer to take an appropriate decision after the investigation is complete.

4. We dispose of the application with liberty to the applicant

to raise contentions after the investigation is complete.

5. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

(ROHIT B.DEO , J.)

!! BrWankhede !!

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WANKHEDE

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2022.10.17
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