

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

CRIMINAL APPLICATION (APL) NO.2/2022

Karbhari s/o Gaibi Misal and ors. .vs. State of Maharashtra through PSO
P.S. Mehkar, Dist. Buldhana and anr.

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

Court's or Judge's orders.

Mr. K. Deogade, Advocate for applicants.

Mr. S. M. Ghodeswar, A.P.P. for non applicant no.1-State.

CORAM : V. M. DESHPANDE & AMIT B. BORKAR, JJ.

DATED : APRIL 11, 2022.

A hue and cry was made by learned counsel for the applicants on the last occasion that in spite of order passed by this Court, the investigating officer has filed charge-sheet. Therefore, on 23.03.2022, this Court passed an order directing the Police Station Officer to remain personally present before the Court. Accordingly, the police officer is personally present and also offered the explanation. In paragraph 4 of the said explanation, it is stated thus:

“4. I further most humbly state that the message from the Public Prosecutor, Government Pleader Office, High Court Nagpur through wireless was received by the office of the Superintendent of Police, Buldhana at 0.56 p.m. on 03.01.2022 and same was communicated to the Police Station Officer, Mehkar on 04.01.2022, through Whatsapp, however, by that time as

stated the charge-sheet was already filed on 03.01.2022 much before the receipt of wireless message.”

An order was passed by this Court on 03.01.2022. It was communicated to the police officer from the office of Government Pleader in the night of 03.01.2022. However, prior to the receipt of this information, charge-sheet was already filed.

In that view of the matter, we have no hesitation in coming to the conclusion that the police officer did not flout order of this Court. Hence, the explanation is accepted. The grievance raised by the applicant in that behalf is overruled.

In view of filing of the charge-sheet, Mr.Deogade, learned counsel for applicant seeks permission to withdraw the present application with leave to file fresh application before this Court.

Permission is granted.

The application is dismissed as with drawn with liberty as prayed for.

JUDGE

JUDGE

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