

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

977 CRIMINAL APPLICATION NO.3082 OF 2022

1. Vijay Pandharinath Wagh.
2. Pandharinath Daulat Wagh.
3. Hirabai Pandharinath Wagh.
4. Paratibha Pandharinath Wagh.
5. Sangitabai Bhaskar Thorat.
6. Bharat Harishchandra Doiphode. ... Applicants

Versus

1. The State of Maharashtra.
2. Seema Vijay Wagh. ... Respondents

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Mr. Shirinivas S. Wagh, Advocate for Applicants.

Mr. P. G. Borade, APP for Respondent/State.

Ms. Sayali S. Tekale, Advocate for Respondent No.2 (Appointed).

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CORAM : R. G. AVACHAT and
SANJAY A. DESHMUKH, JJ.

DATE : 21st July, 2023.

Per Court:

1 Heard.

2 Some specific incidents of alleged ill-treatment have been quoted in the FIR. We, are, therefore, not inclined to grant the applicants relief.

3 According to the learned counsel for applicants, some of the

applicants are age old. The matter is pending in the Court at Selu, while the applicants are residents of Chitali Station, Taluka Rahata, District Ahmednagar.

4 In our view, the applicants deserve to be granted exemption from appearing before the Trial Court, provided they are duly represented by an advocate who will assist the Court to take the trial to its logical conclusion.

5 In view of the above, we dispose of the application in terms of the following order:-

ORDER

- I. The prayer for quashment of FIR and consequential charge-sheet stands rejected.
- II. The applicants shall appear before the Trial Court for framing of charge.
- III. The Trial Court shall thereafter, grant the applicants permanent exemption from appearing before it, provided the applicants are duly represented by an advocate, who will assist the Court to take the trial to its logical conclusion.
- IV. The Trial Court shall enforce the presence of the applicants before it as and when required, in exceptional cases, such as for recording of their statements under Section 313 of the Code of Criminal Procedure etc.

- V. With these observations, the application stands disposed of.
- VI. The fees of the appointed counsel is quantified at Rs.7,000/-, to be paid by the High Court Legal Services Sub-Committee, Aurangabad.

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[SANJAY A. DESHMUKH, J.]

[R. G. AVACHAT, J.]