

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****WRIT PETITION NO. 3365 OF 2023**

Shri. Bhanudas Bhimrao Suryawanshi and Anr. .. Petitioners

vs.

The State of Maharashtra and Anr. .. Respondents

Mr. Sachin Hande for Petitioners

Ms. Mahalakshmi Ganpathy, APP for Respondent-State

**CORAM: A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.**

DATE : 6th DECEMBER, 2023.

P. C.:-

1) In pursuance of Order dated 1st November, 2023, Dr. Basavaraj Teli Superintendent of Police, Sangli has filed his Affidavit dated 28th November, 2023. It is stated that, the Petitioners were not present at the scene of offence on the alleged date of commission of offence and were in fact present at the residence of Vasantrao Kajve at Kolhapur. The said fact has been confirmed by the statement of witnesses and perusal with CCTV footage submitted by the Petitioners.

1.1) In paragraph 5 thereof it is stated that, in view of the investigation and the evidence collected during the investigation, the names of the Petitioners are deleted from the charge-sheet on account of lack of

evidence and proof of their absence from the spot of incident.

2) In view of the fact that, the plea of *alibi* of the Petitioners has been duly established during investigation, present Petition for quashing of C.R. No.394 of 2023 registered with Vita City Police Station, District Sangli does not survive and is accordingly disposed off.

(SHYAM C. CHANDAK,J.)

(A. S. GADKARI, J.)