

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

CRIMINAL APPLICATION (ABA) NO. 106/2023

Avinash s/o Shaligram Manatkar and anr. vs. State of Maharashtra through PSO
P.S. Ramdaspath, Akola at present through EOW Akola.

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

Court's or Judge's orders

Mr. A. K. Bhangde, Advocate for applicants.
Mr. N. R. Rode, A.P.P. for non applicant-State.

CORAM : ANIL L. PANSARE, J.
DATE : FEBRUARY 15, 2023.

Heard.

2. Learned counsel for applicants has invited my attention to page no.28 of the application to state that the applicants have shown willingness to deposit, in the bank, the alleged duped amount. However, the learned A.P.P. has drawn my attention to the order dated 31.01.2023 passed by this Court (Coram: Bharti Dangre, J.) in Criminal Application (ABA) No.63/2023 filed by the present applicant in the present crime itself. The order reads thus:

“On expressing my disinclination to entertain the present application in the wake of the material compiled in the charge-sheet against the co-accused person, Mr.Bhangde, learned counsel for the applicants, on instructions of the son of the applicants, who is present in the Court today, state that the applicants shall surrender before the Investigating Officer on or before 5.00 pm of 15/02/2023. This leniency is granted by me in the wake of the fact that the investigation as regards the co-accused is already over

and the FIR being filed on 24/09/2022 and since a request comes from the applicants to the effect that since their son is getting married on 9/10th of February, 2023. It is however clear that if the applicants failed to surrender, the Investigating Officer shall be at liberty to arrest them. It is also directed that the applicants shall be reported to the Investigating Officer tomorrow at 11.00 in the morning and surrender their passports.

2. The application stands disposed of.

3. Copy of this order be supplied to the applicants.”

3. Thus, this Court has categorically expressed its disinclination to entertain the application. Leniency in the form of time till 15th February, 2023 was granted to only surrender on the ground that the applicant's son was to get married on 09/10th of February, 2023. Thus, the fact remains that this Court, after examining the material placed before it had shown its disinclination to entertain the application. Despite such status, another application is filed by the applicant which, to my mind, is a clear abuse of the process of law.

4. The application therefore, is liable to be rejected and stands rejected with exemplary cost of Rs.1,00,000/-.

(Anil L. Pansare, J.)