

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

CRIMINAL APPLICATION (ABA) NO. 913 OF 2022

SHAHRUHKHAN S/O. AMAJATKHAN PATHAN

VS

STATE OF MAH. THR. PSO HINGANGHAT DIST. WARDHA

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

Court's or Judge's Orders.

Mr. Aditya Pande, Advocate for applicant.
Mr. A. M. Kadukar, APP for respondent.

CORAM : ANIL L. PANSARE J.

DATE : 12/01/2023

The applicant is apprehending arrest in Crime No.3/2022 for the offence punishable under Sections 143, 147, 148, 149, 326 and 324 of the Indian Penal Code (IPC).

2. Learned counsel for the applicant commenced his argument with the statement that applicant's name is not mentioned in the First Information Report (FIR) and that there is absolutely no admissible evidence against the applicant.

3. In view of such argument, the material placed before this Court has been examined and to utter surprise there appears a finding by the learned

Sessions Court that the applicant's role is visible in the video clip that has been collected by the investigating agency. The video clip would indicate that applicant is beating informant and one Mr.Bhada. The order of learned Sessions Court also indicates that applicant was absconding for a long period and that investigation was held up in his absence.

4. The case of the prosecution is that one Abhishek Hiwanj came to village Mandgaon on 01/01/2022 armed with weapons like knife, sickle, hammer etc. and they had assaulted one garage owner. Abhishek Hiwanj and his friends namely, Shiva Pande and Sikandersing Bhada were caught hold by the unknown persons and assaulted them with iron rods, sticks and fists and kick blows. They were admitted to the hospital for treatment. The applicant appears to be one of those who has assaulted these persons.

5. Learned APP submits that informant could have identified applicant, but he having avoided arrest, could not be put to Test Identification (T.I.) Parade.

6. Learned counsel for the applicant submits that role was disclosed only when the video clip was collected by the investigating agency in November, 2022. However, learned APP points out that the video clip Panchnama has been recorded in June, 2022. Thus, another misleading statement is made by the learned counsel for the applicant.

7. Be that as it may, the investigation is in progress. Serious allegations have been levelled against the applicant. He appears to have avoided the interrogation. His role is visible in the video clip. It is necessary for the applicant to face T.I.Parade. Considering these aspects and for making misleading statements, the application is rejected.

JUDGE