



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

CRIMINAL APPLICATION NO.278 OF 2024

Gita d/o Bhaskar Shejwal
..vs..
State of Maharashtra and anr

AND

CRIMINAL APPLICATION NO.279 OF 2024

Sanket s/o Bharat Gaikwad
..vs..
State of Maharashtra

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

Court's or Judge's orders

Shri Shashank Manohar, Advocate h/f Shri S.P. Sonwane,
Advocate for the applicant. (APL No.278/2024)
Shri S.S. Doifode, Addl.P.P. for the State. (APL No.278/2024)
Shri Shashank Manohar, Advocate h/f Shri Aquib Haque,
Advocate for the applicant (APL No.279/2024) .
Shri Ghurde, Addl.P.P. for the State. (APL No.279/2024)

CORAM: VINAY JOSHI AND MRS.VRUSHALI V. JOSHI, JJ.
DATED : 16/02/2024.

On oral request, the applicants are permitted to
amend the applications to clarify on certain aspects.

2. Amendment be carried out within one weeks
and copy of the amended applications be supplied on
other side.

3. Heard.

4. Both applicants are seeking to quash the First
Information Report bearing Crime No.7 of 2024
registered with the Bajaj Nagar Police Station, Nagpur
City for the offence punishable under Sections 307 of the
Indian Penal Code, Sections 25 and 3 of the Arms Act.

5. The Police Inspector has lodged the report against unknown assailant alleging that a bullet has been fired at the leg of the applicant Sanket, and thus, it is a case of attempt to commit murder. The FIR is against the unknown persons however later on, the Police have arraigned both applicants as an accused for what reason that is not evident from the police papers at this stage.

6. Learned Counsel Shri Manohar took back to the history that on 07.05.2022 on the date of occurrence applicant Sanket sustained bullet injury at his leg. Sanket claims that by fall of revolver accidentally bullet came out causing injury at his leg. Immediately, he has informed the occurrence to another applicant Gita and someone who shifted him to the Hospital. The matter is inquired by the Police and ultimately, the closure report had been filed on 14.11.2022. On such a background, after one and half year another Police Officer suspecting foul play had registered a crime for the same incident. This time alleging attempt to commit murder by some unknown.

7. Learned Counsel Shri Manohar primely objected to the tenability of registration of crime since already the same incident was investigated and closure report has been filed. Secondly, it is argued that out of departmental rivalry the old occurrence has been capitalized to settle the score.

8. Issue notice to the non-applicants, returnable on 01.04.2024. Learned Addl.P.P. waives notice on behalf of the State.

9. In the meantime, investigation may go on but charge-sheet shall not be filed without obtaining leave of this Court.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)

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