



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

4 CRIMINAL APPLICATION NO.1145 OF 2025

KIRAN RAMU JADHAV AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Mr. A.K. Jaiswal, Advocate h/f Mr. D.R. Kale, Advocate for applicants

Mr. S.A. Gaikwad, APP for respondent No.1

Mr. Y.H. Lagad, Advocate for respondent No.2

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CORAM : SMT. VIBHA KANKANWADI &
SANJAY A. DESHMUKH, JJ.

DATE : 30th APRIL, 2025

ORDER :

1 Learned Advocate Mr. A.K. Jaiswal holding for learned Advocate Mr. D.R. Kale seeks accommodation on the ground that Mr. D.R. Kale is out of station.

2 We have perused the Vakalatnama. There are two Advocates who are appearing for applicants. No reasonable ground has been shown for the absence of Advocate Mr. A.A. Pawar. The Advocate who is present before us does not say that he is holding for Advocate Mr. A.A. Pawar also and he is

not giving any reason of absence of Mr. A.A. Pawar.

3 On the last occasion i.e. on 07.04.2025 we had asked learned APP to get the police papers. Accordingly, the police papers have been produced for the perusal of this Court. There appears to be offences registered against informant Nilesh Kedar also. However, we need not go into his list. The fact remains is, from the record i.e. charge sheet is filed, it is under Section 299 of the Code of Criminal Procedure against accused Kiran Ramu Jadhav, Shubham Changdeo Gaikwad, Ramdas @ Ramu Punjaram Jadhav, Damodar @ Damu Punjaram Jadhav and proclamation has also been issued on 24.05.2024 against them by learned Judicial Magistrate First Class, Newasa. Learned APP informs that applicant Kiran Jadhav has been arrested yesterday. Perusal of injury certificate shows that there were six injuries on the person of informant. All are stated to be simple in nature. However, one of the injuries is on the scapular region. Statements of witnesses have been recorded. Some of them are the eye witnesses. Reference can be made to the decisions of the Hon'ble Supreme Court in **Air Customs Officer IGI vs. Pramod Kumar Dhamija** [(2016) SIR (SC) 934] and **Virender Prasad Singh vs. Rajesh Bhardwaj and others** [(2012) ALL MR (Cri.) 1782], wherein since the accused was proclaimed offender, proclamation under Section 82 of the Code of Criminal Procedure was issued and the High Court's view that in

respect of proclaimed offender powers under Section 482 of the Code of Criminal Procedure cannot be exercised was upheld, however, the order of the High Court was quashed and set aside on facts. Therefore, this is not a fit case where we should exercise our powers under Section 482 of the Code of Criminal Procedure. Hence, application stands rejected.

(SANJAY A. DESHMUKH, J.)

(SMT. VIBHA KANKANWADI, J.)

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