

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION*

**CRIMINAL APPLICATION NO.1101 OF 2015**

Mr. Freejo Franics Kuttikadan & Ors. .. Applicants  
Vs  
State of Maharashtra & Anr. .. Respondents

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Mr. Niteen Pradhan a/w Ashok Mishra, Elton George i/b. M/s. Solicis Lex  
for the Applicants.  
Dr. F. R. Shaikh, APP for the Respondent.  
Mr. K. T. Thomas for Respondent No. 2.

***CORAM : A. S. OKA &  
ANUJA PRABHUDESSAI, JJ.***

***DATE : 31 JANUARY, 2017.***

***P.C. :***

Heard the learned counsel appearing for the Applicants and  
the learned counsel appearing for the 2<sup>nd</sup> Respondent. Perused the  
affidavit in reply of the 2<sup>nd</sup> Respondent. There is a serious doubt, whether  
the offence punishable under Section 306 read with Section 34 of the  
Indian Penal Code is attracted even taking the material forming part of the  
charge-sheet as correct. Hence, this petition requires final hearing.  
Accordingly, we issue Rule. The learned APP waives service for the 1<sup>st</sup>

Respondent. The learned counsel for the 2<sup>nd</sup> Respondent waives service. By way of interim relief, there will be stay of Sessions Case No. 69/2016 pending in the Session Court of Dindoshi. The hearing of the petition is expedited.

(ANUJA PRABHUDESSAI,J)

(A. S. OKA, J.)