

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AURANGABAD

CRIMINAL APPLICATION NO. 3422 OF 2015

Damodhar s/o Haribhau Baviskar and ors. ...Applicants

VERSUS

The State of Maharashtra & ors. ...Respondents

.....
Shri A.L.Kanade, advocate for applicants
Shri K.S.Patil, A.P.P. for respondent/State
.....

CORAM : A.B.CHAUDHARI & INDIRA K.JAIN, JJ.
DATED : 28th SEPTEMBER, 2015

ORDER :

- 1] Heard learned counsel for the rival parties.
- 2] It is not in dispute that charge sheet was filed in January, 2015. Learned counsel for the applicants strenuously contended that the applicants do not have any connection with the offence alleged, and therefore, this application under Section 482 of the Code of Criminal Procedure should be entertained and first information report as well as charge sheet should be quashed.
- 3] In our opinion, charge sheet having been filed, it would be appropriate for the applicants to approach the trial court for discharge, since it is not possible for this court to evaluate the charge sheet and final report. That being so, we make following order.

ORDER

- (i) Criminal Application No. 3422 of 2015 is not entertained and is disposed of with liberty in favour of applicants to apply for

discharge before the trial court. If such application is filed by the applicants, the same shall be decided by the trial court within a period of six months from the date of filing of the application.

(ii) Interim order shall continue for another period of four weeks.

[INDIRA K.JAIN, J.]

[A.B.CHAUDHARI, J.]

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