

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

Office Memoranda of appearance, directions and orders.	Notes, of Court's orders and Registrar's orders.	Office Coram, Court's orders or Registrar's orders.	Court's or Judge's orders.
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CRIMINAL APPLICATION NO. 2085 OF 2015

ASHOK S/O BHARATSING VASAVE & ORS
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Shinde Ravindra S .
APP for Respondent: Mr. U. H. Bhogle.

CORAM: T. V. NALAWADE, J.
DATED: 10th JUNE, 2015.

PER COURT:

1. The proceeding is filed to challenge the order made by learned Judge of Sessions Court for calling the record of R.C.C. No.238 of 2013 as he wants to see that the case is tried as counter case of Special Case No.18 of 2012. The Special Case is filed for I.P.C. offences and also for offence under section 3 (1) (x) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act.
2. This Court has gone through both the F.I.Rs. in Crime No.41 of 2012 and 42 of 2012. In the two F.I.Rs. the two sides have made allegations in respect of

incident which took place on 12th July, 2012 at 04.30 p.m. The informant from Crime No.42 of 2012 is named as accused in the first F.I.R. In view of these circumstances, they are counter cases. It appears that the learned Judge has framed charge in Crime No.42 of 2012 (R.C.C. No.238 of 2013). Learned counsel for the applicant submitted that at very late stage such order is made and inconvenience is caused to the accused from R.C.C. No.238 of 2013.

3. When there are such counter cases it is always desirable that the two cases are decided by the same judge. In view of this principal of criminal law this Court holds that the learned Judge of the Sessions Court has not committed any error in calling the record of the counter case, in a case pending in Sessions Court. There is no case made out for interference in the order. So, the application is rejected.

[T. V. NALAWADE, J.]

Dt.10/06/2015
ans/2085