

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.**

CRIMINAL APPLICATION NO. 3158 OF 2014

Haribhau Trimbak Shingate & Anr.

... Applicants

VERSUS

The State of Maharashtra & Anr.

... Respondents

.....
Mr G. J. Karne, Advocate for the petitioners
Mr A. R. Borulkar, APP for respondent/State
.....

CORAM : **A. B. CHAUDHARI &
INDIRA K. JAIN, JJ.**

DATE : **14TH OCTOBER, 2015.**

PER COURT:

. It is not in dispute that the charge-sheet pursuant to FIR No I-268/2013 lodged for offences punishable under Sections 306, 504, 506 and 34 of the Indian Penal Code, was filed before the trial Judge. Since the charge-sheet has been filed and looking to the time that has elapsed, the proper course for the applicant is to adopt the alternate efficacious remedy to apply for discharge before the trial Judge. Seen the F.I.R. as well as the case papers and so also affidavit filed by respondent No. 2. We find from this affidavit and papers that, it is not possible for us to hold that, FIR as well as the charge-sheet must lead

to acquittal. That can be done only after trial is held. We, therefore, pass the following order.

ORDER

- (i) Criminal Application No 3158 of 2014 is disposed of.
- (ii) Liberty is granted in favour of the applicants to apply for discharge before the trial Court, if so advised, in view of filing of charge-sheet.
- (iii) If such an application for discharge is filed, the same shall be decided by the trial Judge within a period of four months from its filing.

[INDIRA K. JAIN, J.]

[A. B. CHAUDHARI, J.]

sgp