

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.1049 OF 2014

- 1) Vasant s/o Vitthal Kharat,
Age-31 years, Occu:Agri.,
- 2) Vitthal s/o Shivram Kharat,
Age-53 years, Occu:Agri.,
- 3) Shobha @ Rukhmini Vitthal Kharat,
Age-48 years, Occu:Agri.,
- 4) Bappasaheb s/o Vitthal Kharat,
Age-26 years, Occu:Agri.,

Petitioner Nos. 1 to 4 are
R/o-Malegaon (Kh), Tq-Georai,
Dist-Beed.

- 5) Chayabai Balasaheb Mane,
Age-25 years, Occu:Agri.,
- 6) Balasaheb @ Pandurang
s/o Babanrao @ Bhimrao Mane,
Age-31 years, Occu:Agri.,

Petitioner Nos. 5 and 6 are
R/o-Kambi, Tq-Shevgaon,
Dist-Ahmednagar.

...PETITIONERS

VERSUS

- 1) Usha Vasant Kharat,
Age-26 years, Occu:Household & Agri.,
R/o- C/o-Shivdas s/o Dagadu Choudhary,
R/o-Renapur, Tq-Ambad, Dist-Jalna,

2) The State of Maharashtra

...RESPONDENTS

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Mr.S.B. Parnere Advocate for Petitioners.
None present for Respondent No.1, though served.
Mr.A.S. Shinde, A.P.P. for Respondent No.2.

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

DATE : 11TH SEPTEMBER, 2015

ORAL ORDER :

1. Heard learned counsel for the rival parties.

2. Following is the prayer clause (B) in this Writ Petition:

“(B) By issuing writ of certiorari the charge sheet No.107/2008 filed against the present petitioners by Chaklamba police station, Tq.Georai, Dist. Beed at learned Judicial Magistrate First Class, Georai in R.C.C. No.375/2008 for the offences punishable u/s. 498(A), 323, 34 of I.P.C. and Sec. 3 and 4 of the Dowry Prohibition

Act and the judgment and order dated 13.8.2014 under Exh. 26 in R.C.C. No. 375/2008 may kindly be quashed and set aside in the interest of justice."

3. The challenge is to the charge-sheet that was filed in the year 2008 having R.C.C. No.375 of 2008, by filing present Petition in September, 2014. The F.I.R. was registered in the year 2008. We fail to understand any reason for the Petitioners to lodge the instant Petition after six long years, when, as a matter of fact, by that time the trial could have been over.

3. That apart, the Petitioners have also obtained stay in the present matter without disclosing that Petitioners are approaching this Court after six long years. Be that as it may. When the charge-sheet has been filed, we cannot entertain the present Writ Petition in exercise of our extra ordinary writ jurisdiction. Hence we make the following order:-

O R D E R

(I) Criminal Writ Petition No.1049 of 2014 is dismissed.

(II) Rule discharged.

(III) Interim orders are vacated.

(IV) The trial Judge to hold the trial.

(V) Trial is expedited.

(VI) Application for discharge, if any, made, shall not be entertained.

[INDIRA K. JAIN, J.]

[A.B. CHAUDHARI, J.]

asb/SEP15