

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

CRIMINAL WRIT PETITION NO. 1132 OF 2014

Manjusha Nayan Barahate

...Petitioner

VERSUS

The State of Maharashtra & anr.

...Respondents

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Shri A.S.Savale, advocate for petitioner

Shri M.M.Nerlikar, A.P.P. for respondent no.1/State

Shri S.D.Tawshikar and Shri A.R.Devkate, advocates for resp.no.2

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

DATED : 31st August, 2015

ORDER :

- 1] Heard learned counsel for the rival parties.
- 2] Learned Additional Public Prosecutor Shri M.M.Nerlikar states that the charge sheet in the matter was filed five years before.
- 3] Learned counsel for the petitioner fairly states that the trial has already progressed, but then he wants adjournment.

4] In view of the fact that, charge sheet has been filed before five years, we think, the petitioner can have the effective remedy of defending the charge before the Trial Judge.

5] We also grant liberty to the petitioner to apply for discharge if so advised. However, the learned trial court may not entertain the application for discharge, if trial has already commenced.

6] Application is disposed of with the liberty as aforesaid.

[INDIRA K.JAIN, J.]

[A.B.CHAUDHARI, J.]

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