

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

CRIMINAL REVISION APPLICATION NO. 246 OF 2013

Shaikh Afsar s/o S.K.Yasin

...Applicant

VERSUS

The State of Maharashtra

...Respondent

.....

Shri K.J.Suryawanshi, advocate for applicant

Shri V.P.Kadam, A.P.P. for respondent

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CORAM : V.M.DESHPANDE, J.

DATED : 18th February, 2015

PER COURT : -

1] Rule. Rule is made returnable forthwith. With the consent of the learned counsel for the parties heard finally.

2] Heard learned counsel for the respective parties.

3] An application for discharge was moved by the present applicant with a specific ground that he has filed

election petition in respect of the Grampanchayat vide Election Petition No. 14 of 2012. The said election petition was filed on 11.2.2012 and during the pendency of the said election petition, the first information report is filed against the present applicant.

4] Though this point was specifically raised by the present applicant in the application for discharge, perusal of the impugned order, dated 9.12.2013 shows that this aspect was not at all considered by the learned Special Judge, Beed. In that view of the matter, the impugned order cannot stand to the scrutiny of law.

5] In the result, Criminal Application is allowed. The order, dated 9.12.2013, passed below Exh.11 in Special Case No. 15 of 2013 is hereby quashed and set aside. The Special Judge, Beed is directed to reconsider application Exh.11 for discharge afresh, in accordance with law. Rule is made absolute accordingly.

[V.M.DESHPANDE, J.]

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