

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1566 OF 2015

Mohammed Abdul Hamid Patel &
Anr.

...Petitioners

Versus

The State of Maharashtra & Anr.

...Respondents

Mr. P.A. Pol i/b Pol Legal Juris for Petitioners.
Smt. V.S. Mhaispurkar, APP for Respondent No.1-State.

CORAM:-M.L. TAHALIYANI, J.

DATED :17th APRIL, 2015.

P.C.

Not on board. Taken on board on being mentioned on the ground of urgency.

2. Heard learned counsel for the Petitioners and learned APP for the Respondent No.1-State.

3. Admitted. Heard finally.

4. The Petitioners are facing trial for the offence punishable under section 7 of the Essential Commodities Act. The charge has been framed on 20-9-2013. Their discharge application was made on

22-1-2015. As such, discharge application was made after about 16 months of framing of charge. The learned Trial Magistrate has rejected the application. Thereafter revision application was filed before Sessions Court, which has been dismissed.

5. Without going to the merits of the order passed by the Magistrate what can be seen is that discharge application was filed after about 16 months of framing of charge. There was no reason for such application being made after such a long delay. If the Petitioners felt that there was no case against them they should have filed discharge application before framing of charge or at least immediately after framing of charge, if they were not heard before framing of the charge. This attempt appears to be directed to delay the trial.

6. The criminal writ petition is dismissed summarily.

(JUDGE)