

...Applicant

Versus

...Respondent

Mr. V.B.K. Deshmukh, APP for Respondent -State.

**CORAM:-M.L. TAHALIYANI, J.**

**DATED :8<sup>th</sup> JULY, 2015.**

P.C.

Admit. Heard finally.

2. Heard learned counsel for the Applicant and learned APP  
for the Respondent-State

3. The Applicant is aggrieved by the order passed by the Judicial Magistrate, First Class, Ichalkaranji in R.C.C. No.95 of 2014 directing framing of charge against the Applicant for the offences punishable under sections 420, 467 and 468 of the IPC and other offences on 30-10-2014. Grievance of the Applicant is that charge was

framed against him though he was not charge-sheeted in the said charge-sheet. It was submitted by Mr. Marwadi that though the Applicant's name appears in the list of accused he was absconding and he could not have been charge-sheeted by the State.

4. It appears that a supplementary charge-sheet has been filed by the Ichalkaranji Police Station against the Applicant. The learned Magistrate has issued process against the Applicant on 22-6-2015 for the above stated offences. It is thus, obvious that charge framed against the Applicant before issuance of process was absolutely against the law.

5. Without writing anything further, the charge framed against the Applicant stands quashed. However, it is made clear that learned Magistrate is at liberty to frame fresh charge on the basis of supplementary charge-sheet. At the same time the Applicant is also at liberty to move the Magistrate for discharge.

6. The application stands disposed of.

(JUDGE)