

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 2916 OF 2015

Ajit Jagdish Puri	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. S.G.Rajput, Advocate, for the petitioner
Ms. G.P.Mulekar, APP, for the State.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 3rd September, 2015.

P.C.

Heard. Rule. Rule returnable forthwith with consent of the parties.

2. The petitioner herein is facing trial in Criminal Case No.943/PW/2005 for the offence punishable under Sections 420, 465, 467, 471 read with Section 34 of IPC. The trial is pending before the learned Magistrate, 22nd Court at Andheri.

3. The learned counsel for the petitioner submits that although the charge-sheet has been filed, there is no incriminating material against the

petitioner and, therefore, the petitioner has filed an application seeking discharge under Section 239 of Cr.P.C. The said application is filed on 14.7.2010. The learned counsel for the petitioner submits that the petitioner has to go through an ordeal of the proceedings and, therefore, he prays that the learned Magistrate be directed to decide the application at the earliest. It is true that the application seeking discharge is pending hearing and final disposal for the last more than five years. Needless to say that the trial is also pending against him.

4. In view of this, the learned Magistrate is directed to hear and decide the discharge application within 4 weeks from the date of receipt of this order. In the eventuality that the discharge application is rejected, the learned Magistrate shall not frame charge for two weeks thereafter.

5. In view of these directions, Writ Petition stands disposed of. Writ Petition is allowed in terms of prayer clause (a). Rule is made absolute in the above terms.

(SMT.SADHANA S.JADHAV, J.)