

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 3877 OF 2015

Mr. Jaywant Gundopant Shimpi & ors. ... Petitioners.
Versus
The State of Maharashtra ... Respondent.

Mr. Pradip Patole i/b. Mr. Shriniwas S. Patwardhan, advocate for
petitioners.

Ms. V.S. Mhaispurkar, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J
DATE : OCTOBER 13, 2015

P.C.:

1 Heard the learned Counsel for the Petitioner and the learned
APP for State.

2 Rule. Rule made returnable forthwith with the consent of the
parties.

3 The petitioners herein question the correctness and validity of the order dated 20th October, 2012 passed by the Judicial Magistrate First Class, Ajara rejecting the application seeking discharge in R.C.C. No. 3 of 2010.

4 It is a matter of record that the application seeking discharge was filed only after oral testimony of the first informant was completed. It is a part-heard case. That once trial has commenced and the Court is in the process of recording of substantive evidence of the prosecution witnesses, there is no question of discharging the accused. After framing of charge, the trial has to be taken to its logical end.

5 In this case, the oral testimony of the informant was already completed. In view of this, learned Judicial Magistrate First Class, Ajara has rightly rejected the application seeking discharge. The learned Magistrate has assigned sound and justifiable reasons for rejecting the application for discharge.

6 The order does not call for any interference. Hence, the Petition being sans merit deserves to be rejected. The Writ Petition is rejected. The Rule is discharged. The Writ Petition is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)