

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Criminal Application (APL) No.26 of 2015
(Laxmikant @ Prakash Rahamatkar V/s State of Maharashtra, thr PSO
Gondia, Dist-Gondia)

Office Notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

Court's or Judge's orders

[Shri P.R. Puri, Adv for applicant.
 Shri M.J. Khan, APP for respondent]

CORAM : A.B. CHAUDHARI, J.
DATED : 17.06.2015.

Heard the learned Counsel for the rival parties.

The only prayer in the application is to strike out the charge that was framed against the applicant by the Additional Sessions Judge, Gondia in pending Sessions Trial No.05 of 2009.

As per the law the applicant is entitled for alteration of charge etc. under the provisions of the Criminal Procedure Code. At any rate, the charge was framed on 2012 and the applicant has filed this application before this Court for the first time to challenge the order of framing of charge dated 2012. Ad-interim stay granted by this Court on 25-02-2015. The application is clearly malafide. Hence, the following order :-

Order

A] Criminal Application (APL) No.26 of 2015 is dismissed.

B] The impugned order is vacated with liberty to the applicant to file such application as permissible in law till registration of the charge.

C] The learned trial Judge is directed to commence and complete the trial, in any case, within a period of six months from today.

JUDGE

Deshmukh