

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.**

CRIMINAL APPLICATION (apl) NO. 99 OF 2015

Pawankumar Kanhiyalal Sharma & ors.

v.

The State of Maharashtra & anr.

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

Courts's or Judge's orders

**Coram : B.P .Dharmadhikari and
V.M.Deshpande, JJ.**

Date : 01st DECEMBER, 2015

Heard Advocate Sirpurkar with Advocate Dilip Kumar for the applicants, Advocate Smt. S.W. Deshpande for non-applicant no. 2 and learned APP for non-applicant no. 1.

The applicants are taking exception to F.I.R. No.89/14 under Sections 498-A, 323, 405 and 506 read with Section 34 of Indian Penal Code registered at police station Kholapuri Gate, District Amravati. The said F.I.R. is lodged by non-applicant no. 2 who is wife of applicant no.1. Applicants no. 2 and 3 are parents of applicant no. 1 and applicants 4 and 5 are his married sisters.

One of the grounds raised is that the cause of action has not accrued at Amravati at all. Shri Sirpurkar insisted for

stopping of filing of charge-sheet in the meanwhile.

After hearing respective counsel we find that the ground sought to be urged before us in this application can very well be raised before the Court of J.M.F.C. at Amravati in accordance with law. We also find that the fate of charge-sheet hangs on the order which is to be passed by the learned J.M.F.C. Therefore, filing of charge-sheet itself cannot cause any prejudice to the applicants. We, however, grant exemption from personal appearance to applicants 2 to 5 till such application/objection preferred on their behalf and on behalf of applicant no. 1 is decided by the J.M.F.C., Amravati.

The applicant no. 1 to present that application within two weeks from today and the learned J.M.F.C. after hearing all the concerned advocates to decide the same within next six weeks.

With these directions and exemption to applicants 2 to 5, as mentioned supra, as also keeping all rival contentions open, we dispose of the criminal application. No costs.

JUDGE

JUDGE