

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

Criminal Application (APL) No. 182 of 2015
Dr. Umakant s/o Janardan Anekar vs. State of Maharashtra

Notes, Office Memoranda of

Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's
Orders.

Mr. S.S.Doifode, APP for the State.

CORAM : PRASANNA B. VARALE, J

DATE : 28.4.2015

Mr. R.L.Khapre, learned counsel for the applicant prays for withdrawal of the present application, on instructions, with liberty to submit an application before the learned trial court seeking production of documents from the prosecution/ Public Health Department.

Mr. Khapre, the learned counsel invited my attention to the order passed by the Additional Sessions Judge, Chandrapur dated 19th December, 2014. He then invited my attention to the application filed by the applicant before the Extra Joint Ad hoc Additional Sessions Judge, Chandrapur under the name and styled as the application to compel production of the documents from the Public Health Department.

Perusal of the order passed on the application shows that the applicant and his counsel were absent and considering the nature of the revision, the learned Sessions Judge was not inclined to allow the application. The application was rejected.

Mr. Khapre, submitted that immediately the applicant approached the learned Sessions Judge for quashing aside the order passed by the learned Additional Sessions Judge. That application was rejected.

The submission of Mr. Khapre, the learned counsel for the applicant is that inadvertently and under wrong impression the application was filed before the Extra Joint Adhoc Additional Sessions Judge, Chandrapur instead of filing the application before the trial court under Section 91 of Cr.P.C.. Mr. Khapre, the learned counsel submits that the applicant be permitted to file application before the learned trial court and no prejudice would be caused to the State if the application is heard on merits by giving opportunity of hearing to the other side also, is the submission of Mr. Khapre.

Considering these aspects, the application is allowed to be withdrawn with liberty to the present the application before the learned trial Judge. The learned trial

Judge to decide the said application in accordance with the provisions of law and by offering the opportunity of hearing to the other side i.e. State. With these observations, the application is allowed to withdraw.

JUDGE

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