

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APL) NO. 503 OF 2014

Shrichand s/o Popatlal Bhojwani Vs. State of Maharashtra and others

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

Court's or Judge's Orders.

Shri Rajnish R. Vyas, Advocate for the applicant.
Ms. Ashwini A. Nemad, Advocate for respondent no.2.
Ms. Udeshi, APP for the State

**CORAM : A.B. Chaudhari &
P.N. Deshmukh, JJ.**

DATE : 10.04.2015.

Seen the order dated 26.11.2013 in the Writ Petition. Shri Vyas, the learned counsel as well as the learned APP fairly state that charge-sheet has been filed after completion of the investigation. He submits that in view of the liberty that was reserved in favour of the applicant, the present application was filed posing a challenge to the charge-sheet itself. Shri Vyas, the learned counsel, vehemently submitted that there is absolutely nothing against the applicant and therefore, this is a fit case for interference in inherent jurisdiction under Section 482 of the Code of Criminal Procedure. He submits that perusal of the charge-sheet, at its face value, would reveal no offence is committed by the applicant/petitioner.

Per contra, Ms. Ashwini A. Nemad, the learned counsel appearing for respondent no.2-complainant, vehemently opposed the application and argued that the writ petition shows the availability of enough material against the applicant and this Court should not evaluate the evidence collected by the Investigating Agency after filing of the charge-sheet. Since the applicant has certainly an alternate efficacious remedy available, the learned APP also prayed for disposal of writ petition on the

said count.

Upon hearing the learned counsel for the rival parties, we are satisfied that the applicant/petitioner should be relegated the alternate remedy available in law, namely, to apply for discharge, if so advised. We, therefore, make the following order:-

Order

Criminal Application (APL) No.503/2014 is disposed of with liberty in favour of the applicant/petitioner to take such steps as available in law including filing of the application for discharge before the Competent Court, if the charge-sheet is filed. If such application for discharge is filed, the same shall be decided expeditiously.

JUDGE

JUDGE