

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [APL] No. 615 of 2014
[Ratilal Karsanbhai Patel Vs. State of Mah. & another]

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

Court's or Judge's orders

Mr. Navlani, Adv., for the Applicant.
Mr. T.A. Mirza, APP for respondent no.1.
Mr. R.J. Mirza, Adv., for respondent no.2.

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**CORAM : A.B. CHAUDHARI AND
P.N. DESHMUKH, JJ.**

DATE : 18th March, 2015.

Mr. Mirza, learned APP for the State, informs that the charge-sheet is ready, but could not be filed for want of permission from this Court.

Mr. Navlani, learned Adv., for the applicant, vehemently submitted that perusal of FIR as well as charge-sheet makes out no offence against the applicant, as no specific role or overt act is alleged against him and, therefore, this is a fit case for exercise of power under Section 482, Criminal Procedure Code.

We have examined the FIR as well as the charge-sheet. Upon perusal thereof, we are of the

opinion that the Applicant should be relegated to the remedy of applying for discharge before Trial Court, since we are unable to analyze and marshal the evidence at this stage. That being so, we make the following order:-

ORDER

[a] Criminal Application [APL] No. 615 of 2014 is disposed of, reserving liberty in favour of the Applicant to take such steps as are available in law, including the one for discharge.

[b] If such application for discharge is filed, the same shall be decided expeditiously.

All the contentions raised in the application are kept open.

Judge

Judge

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