

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

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

Court's or Judge's orders

CRIMINAL APPLICATION NO. 2639 OF 2016

REKHA @ SANJIVANI W/O VASANT JADHAV AND
OTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANR

...
Advocate for Applicants: Mr. K. J. Suryawanshi
APP for Respondent/State: Mr. A. R. Borulkar

...
CORAM: S. S. SHINDE & SANGITRAO S. PATIL, JJ.
Dated: August 22, 2016

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Admittedly the charge-sheet is
already filed.

2. The learned counsel appearing for the
applicants submits that applicant no.1
belongs to Scheduled Caste category. He
further submits that applicant nos. 2 and
3 are the daughter and husband of
applicant no.1 respectively. He further
submits that the allegations, which would
attract the provisions of Section 354 and

354(a) of the I.P.C. cannot be alleged against applicant nos. 1 and 2.

3. The learned A.P.P. appearing for the Respondent/State submits that all these contentions can be raised before the concerned Court, as the concerned Court yet not framed the charge.

4. We have considered the submissions advanced by the learned counsel appearing for the applicants and the learned A.P.P. appearing for the Respondent/State. Since the charge-sheet is already filed, we grant liberty to the applicants, if they so advised, to file the application for discharge before the appropriate Court within two weeks from today. In case, such application is filed by the applicants within two weeks from today, the concerned Court shall expedite the hearing of the said application and decide the same within four weeks from filing such application in accordance with law. It will be open for the applicants to raise the contentions raised in this application before the concerned Court.

5. At this stage, the learned counsel

appearing for the applicants seeks permission to withdraw the application with liberty to take out appropriate application for discharge before the concerned Court.

6. The application is dismissed, as withdrawn with the above observations.

(SANGITRAO S. PATIL,J)

(S.S. SHINDE,J)

sga/