

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.3555 OF 2014

Mazhar Ahamad Zamir Khan
V/s
State of Maharashtra

..... Petitioner
..... Respondent

Mr. Javed R. Shaikh for the Petitioner.
Dr. F.R. Shaikh, APP for the Respondent/State.

CORAM : A.S. OKA &
A.A. SAYED, JJ.
DATED : 16 AUGUST 2016

ORDER:

1 The prayer in this Petition under Article 226 of the Constitution of India is for quashing the charge-sheet. The averments made in the Petition show that the Petitioner is not relying upon any documents which is not a forming part of the charge-sheet. Therefore, the Petitioner has a remedy available before the concerned Court. In view of the availability of remedy, we decline to entertain this Petition under Article 226 of the Constitution of India read with section 482 of the Code of Criminal Procedure, 1973.

2 The Petition is accordingly disposed of by keeping the remedy of the Petitioner expressly open. All contentions raised in the Petition are also expressly kept open.

3 At this stage, the learned Counsel appearing for the Petitioner submits that the concerned Court be directed to give priority to the hearing of the Application for discharge. It is for the Petitioner to make that request to the concerned Court. If a case is made out for giving out of turn priority, we are sure that the concerned Court will consider the said request.

(A.A. SAYED, J.)

(A.S. OKA, J.)

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