

pmw

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.1304 OF 2015

Shri Ulhas s/o Kashinath Chalak and Ors.	... Applicants
Vs.	
State of Maharashtra and Ors.	... Respondents

Mr. Murtaza Nazmi I/by Mr. Vishnu L. Chaudhari for the Applicants.
Ms. M.H. Mhatre, APP for the Respondent - State.

CORAM : A.S. OKA &
A.A. SAYED, JJ.

DATE : 18th JULY, 2016

P.C.

1. Heard the learned counsel appearing for the Applicants. The annexures to the application show that for the detailed reasons recorded, the learned Assistant Sessions Judge, Chandrapur by order dated 23rd September, 2015 has rejected the application for discharge filed by the Applicant. From the averments made in the application for discharge and from the impugned order, it appears to us that the contentions which are sought to be raised in this application before this Court were sought to be raised before the learned Assistant Sessions Judge. It is well settled that a remedy under Section 482 of the Code of Criminal Procedure, 1973 is an extraordinary remedy. The power of this Court under Section 482 is required to be exercised very sparingly in

exceptional cases. The Applicants have a remedy available to challenge the order dated 23rd September, 2015 passed by the learned Assistant Sessions Judge. By keeping open the said remedy, we dispose of this application. We, however, make it clear that any proceedings which may be filed against order dated 23rd September, 2015 will have to be filed before the Bench at Nagpur.

(A.A. SAYED, J)

(A.S. OKA, J)