

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (APPP) NO. 1342 OF 2016

IN

CRIMINAL APPLICATION (APL) NO. 326 OF 2015

(RAHUL MADAN RAUT & OTH..VS..STATE OF MAH. THR. PSO, PS, WASHIM & ANR.)

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

Court's or Judge's orders

Shri J.B.Gandhi, Advocate for Applicant.
Shri J.Y.Ghurde, A.P.P. for Respondent No.1.
Shri Soma Khandare, Respondent No.2 in person.

CORAM : B.P.DHARMADHIKARI AND
KUM. INDIRA JAIN, JJ.

DATED : DECEMBER 06, 2016.

1. Shri Khandare has attempted to demonstrate the prejudice and harassment suffered by him. He submits that he is required to come from Pune to attend these proceedings. According to him, chargesheet is already filed.

2. The learned APP accepts that the chargesheet is already submitted.

3. Advocate Shri Gandhi does not dispute presentation of the chargesheet. He, however, submits that in the circumstances beyond his control he could not remain present before this Court on 30th August, 2016 when Criminal Application No. 326 of 2015 was dismissed. He also points out that alternate arrangements were made by him to mention the matter for adjourning it, but, unfortunately, that could not take place.

4. Our attention is invited to order dated 12th July, 2016 passed by earlier Division Bench of this Court. The earlier Division Bench there has expressed its dissatisfaction about the investigation.

5. From rival arguments, it appears that thereafter the investigation is complete and chargesheet has been presented. In light of orders dated 12th July, 2016 further scrutiny of the matter by this Court is necessary.

6. We do not find applicants at fault for non-attendance of their counsel before this Court on 30th August, 2016.

In this situation, we recall order dated 30th August, 2016. Criminal Application (APL) No. 326 of 2015 is restored back to file. Miscellaneous Criminal Application (APPP) No. 1342 of 2016 is accordingly allowed.

7. List Criminal Application (APL) No.326 of 2015 for further consideration on **10th January, 2017**.

JUDGE

JUDGE