

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL WRIT PETITION NO.1445 OF 2016
WITH**

**CRIMINAL APPLICATION NO.1282 OF 2017
(IN CRIMINAL WRIT PETITION NO.1445 OF 2016)**

- 1) Yakub s/o Usman Patel,
- 2) Alimunbi @ Alimunnisa w/o Yakub Patel,
- 3) Muneer s/o Usman Patel

...PETITIONERS

VERSUS

- 1) The State of Maharashtra,
- 2) Jaibunnisa d/o Nabisab Shaikh

...RESPONDENTS

...

Mr.T.M. Venjane Advocate for Petitioners.
Mr.P.G. Borade, A.P.P. for Respondent No.1.
Mr.R.B. Deshmukh Advocate for Respondent No.2.

...

**CORAM: S.S. SHINDE AND
K.K. SONAWANE, JJ.**

DATE : 8TH MARCH, 2017

ORDER :

1. Criminal Application No.1282 of 2017 is

filed by the original Petitioners praying therein to allow them to amend the Petition in view of the fact that charge-sheet is filed.

2. Learned A.P.P. appearing for the State and learned counsel appearing for Respondent No.2 jointly submits that, as a matter of fact charge-sheet was filed on 25th October 2016 and the Writ Petition No.1445 of 2016 is filed on 27th October 2016.

3. In our opinion, when the charge-sheet was already filed, there was no propriety in taking exception only to the First Information Report. Already more than five months time is consumed since when matter is pending in the High Court. Again if prayer for amendment is entertained, it may take further considerable time and the trial Court will not be able to proceed with the trial. Keeping in view the concept of 'speedy trial', we are not inclined to entertain the prayer of the

Petitioners to amend the Petition. If the Petitioners are advised and if already charge is not framed by the trial Court, then the Petitioners can file the application for discharge before the trial Court within two weeks from today. If such application is filed by the Petitioners within two weeks from today, the trial Court shall decide the same on its own merits, as expeditiously as possible and in any case within six weeks from filing such observations.

4. With the above observations both, Criminal Writ Petition No.1445 of 2016 and Criminal Application No.1282 of 2017 are rejected.

5. We make it clear that we have not adjudicated the contentions raised in the Petition on merits.

[K.K. SONAWANE, J.]

[S.S. SHINDE, J.]