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

**CRIMINAL APPLICATION NO. 1234 OF 2005
WITH APPLN/1263/2016 IN APPLN/1234/2005**

**ASKARUL ABIDIN MHOHMAD ASGAR KAZI
VERSUS
THE STATE OF MAH & ORS.**

**Advocate for Applicant : S S Choudhari & Gaikwad Anil M.
APP for Respondents: Mr.M.M.Nerlikar**

**CORAM : S.V.GANGAPURWALA &
MANGESH S. PATIL,JJ.**

DATE : 31/08/2017

PER COURT :-

The learned APP raises objection that the charge sheet is already filed. As such application for quashing of FIR does not survive and that the applicant has remedy to file application for discharge. Mr.S.S.Choudhari, learned counsel for the applicant submits that in the FIR, name of the applicant is not referred and even in the statements recorded, the applicant is not implicated.

2] The charge sheet is also filed on record. As per objection raised by learned APP, the petitioner has remedy to file application for discharge. The learned Judge can consider the application for discharge.

3] In light of the above, present application stands disposed of with liberty to the petitioner to file application for discharge, which application would be considered by the Court on its own merits.

4] Interim order passed by this Court shall continue for a further period of three weeks from today. Needless to state that on lapse of three weeks, interim relief would come to end.

5] In view of disposal of Criminal Application No.1234/2005, Criminal Application 1263/2016 also stands disposed of.

(MANGESH S. PATIL,J.)

(S.V.GANGAPURWALA,J.)

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