

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 645 OF 2016

Subhash Motiram Waghmare. ... Petitioner.
Versus
The State of Maharashtra. ... Respondent.

Mr. Rakesh Bhatkar, advocate for petitioner.

Ms. Anamika Malhotra, APP for State.

**CORAM : SMT.SADHANA S. JADHAV,J
DATE : APRIL 4, 2017**

P.C.:

1 Heard the learned Counsel for the Petitioner and the learned APP.

2 Rule. Rule made returnable forthwith with the consent of the parties.

3 Being aggrieved by the order passed by the Sessions Court in Sessions Case No. 17 of 2013 thereby rejecting the application

seeking discharge, the Petitioner has approached this Court under section 482 of the Code of Criminal Procedure, 1973. The learned APP upon instructions submits that in the present case, the trial has commenced. The prosecution is in the process of recording substantive evidence of the witnesses. In view of this, there arises no issue of deciding an application seeking discharge. The prayer in the Petition has become infructuous due to commencement of the trial. The Petition is dismissed. Rule is discharged. All contentions are kept open.

4 Writ Petition is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)