

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

CRIMINAL APPLICATION NO. 608 OF 2015

Ravinder Jain

..Applicant

v/s.

The State of Maharashtra & Anr.

..Respondents

Mr. Ashok Singh a/w. Mr.R.N.Gaonkar, Mahi Lalka for the Applicant
Dr.F.R.Shaikh APP for the respondent no.1.
Mr. Siddharth Murarka for the Respondent no.2.

**CORAM : A.S.OKA & ANUJA PRABHUDESSAI, JJ.
DATED : 4TH JANUARY, 2017**

P.C.

1. The prayer in this application under Section 482 of the Code of Criminal Procedure, 1973 (for short “the said Code”) is for quashing the chargesheet for the offences punishable under Section 498A, 406, 420 read with Section 34 of the Indian Penal Code.
2. Admittedly, an application for discharge made by the applicant is pending before the concerned Court. The learned Counsel appearing for the applicant submits that as the concerned Court is

not hearing the said application, the present application under Section 482 of the said Code has been filed.

3. The remedy under Section 482 of the said Code is always discretionary. As the applicant has already availed the remedy of applying for discharge, at this stage, no case is made out for interference under Section 482 of the said Code. It will be open for the applicant to apply before the Court before which the said application is pending, for giving necessary priority to the hearing of the application.

4. Subject to what is observed above, the application is rejected . All contentions on merits are kept open.

(ANUJA PRABHUDESSAI, J.)

(A.S.OKA, J.)