

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.757 OF 2014

Laxman Purshottam Bhagtani & Ors. Applicants
Vs.
The State of Maharashtra & Anr. Respondents

Mr. Omkar P. Mulekar for the Applicants.
Dr. F.R. Shaikh, APP, for the Respondent-State.

CORAM: S.C. DHARMADHIKARI &
PRAKASH D. NAIK, JJ.

DATE : MARCH 31, 2017

P.C:

1. The respondent No.2 is absent, though served.
2. On the earlier occasion and even today he and his Advocate both are absent.
3. We had called for the original records from the concerned police station only to ascertain that, the FIR being of 2013, whether charge-sheet is filed in the competent criminal Court or not.

4. In the presence of the official from the concerned police station, the learned APP, on instructions, states that the charge-sheet is filed in the competent criminal Court.

5. In these circumstances and the pendency of this application for nearly three years would enable us to hold that the applicants have adequate and efficacious remedy of applying to the trial Court for discharge. During the course of such proceedings, it would be open for the applicants to rely on all the statements which have been made in this application and though controverted by the second respondent/complainant. The applicants can raise the contentions, particularly that the claim of the complainant has been duly settled, as evidenced by a cancellation/rectification deed. All such contentions and if raised by the applicants be duly noted and considered by the trial Court while deciding the application.

6. With the above clarification, this criminal application is disposed of.

(PRAKASH D. NAIK, J.)

(S.C. DHARMADHIKARI, J.)