

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

CRIMINAL APPLICATION NO.1277 OF 2016

Ravindra Ganpat Panchal

: Applicant.

Versus

The State

: Respondent.

Mr. S B Shelar for the Applicant.

Mr. K V Saste Addl.PP for the Respondent/State.

Mr. S V Marwadi a/w Ms. Mallika Ingle for the original Complainant.

**CORAM : R. M. SAVANT &
SANDEEP K SHINDE JJ.**

DATE : 21st AUGUST, 2016

PC.

1 We are informed at the Bar that the discharge applications filed by the Accused Nos.2, 3, 5 and 6 have been rejected by the learned Metropolitan Magistrate, 10th Court, Andheri on 28/07/2016, the order in respect of the same is annexed to the above Criminal Application at Exhibit C. Amongst the Applicants whose applications have been rejected is the wife of the present Applicant who is Accused No.6.

2 The jurisdiction of this Court is invoked on the ground that the application for discharge if it were to be filed by the Applicant would meet the same fate as the applications filed by the other accused.

3 In our view that cannot be a ground to get around the statutory remedies which are available in law. Hence it is not possible for this Court to entertain the above Criminal Application especially having regard to the fact that the charge sheet has been filed long back in the year 2012 and having regard to the fact that the other accused have chosen to invoke the statutory remedies that are available in law, the above Criminal Application is accordingly rejected. However, it is made clear that the statutory remedies of the Applicant are kept open for being invoked at the appropriate time. If the said remedies are invoked, needless to state that the same would be tried on their own merits and in accordance with law and expeditiously.

[SANDEEP K SHINDE, J]

[R.M.SAVANT, J]