

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

CRIMINAL REVISION APPLICATION NO.74 OF 2017

Swapnil s/o Madhukar Dhone

..vs..

The State of Maharashtra, thr. Police Station Officer, Police Station Jaripatka,
Nagpur

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders
.....

Court's or Judge's Order

Shri S.N. Nandeshwar, counsel for the applicant.
Shri I.J. Damle, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : JULY 14, 2017.

Heard learned counsel Shri S.N. Nandeshwar for
the applicant and learned Additional Public Prosecutor Shri I.J.
Damle for the non-applicant/State.

The challenge in this revision is order passed by
learned District Judge-13 and Additional Sessions Judge,
Nagpur dated 12.4.2017 by which learned Judge of the Court
below rejected application below Exhibit 3 in Sessions Trial
No.78 of 2017 filed under 227 of the Code of Criminal Procedure
for discharge.

The present applicant is facing prosecution for the
offences punishable under Sections 376, 376(2)(n), 377, and 506 of
the Indian Penal Code.

Learned counsel for the applicant submits that there is a delay of one year. This cannot be considered while considering application for discharge. At the stage of application for discharge, it is expected from the Court as to whether there is material to show to frame charge the degree of evidence at the stage of evidence and the degree of evidence that is required either for conviction is altogether different. Hence, the criminal revision application is rejected.

JUDGE

!! BRW !!

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