

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 337 OF 2017**

Baban Nivrutti Mane	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. A. B. Tajane for the Applicant

Mr. K. V. Saste, A.P.P for the Respondent-State

***CORAM : R. M. SAVANT &
REVATI MOHITE DERE, JJ.
TUESDAY, 19th JUNE, 2018***

P.C. :

1 A grievance is made that inspite of the order dated 20th March 2017 passed by a Division Bench of this Court, which mandated the police to give 7 days notice to the Applicant, if they intend to file the charge-sheet, the charge-sheet has been filed without giving such notice. We had therefore directed the learned A.P.P Mr. K. V. Saste to file an affidavit of the concerned Officer explaining the circumstances in which the mandate of the order dated 20th March 2017 has not been followed. Accordingly, an affidavit of one Rajendra D. Ushire, Chief Intelligence Officer in the State Intelligence Department in the Office of the Director General of Police,

Mumbai, has been filed. The explanation can be found in paragraph 3 of the said affidavit, which is *inter alia*, to the effect that when the said order dated 20th March 2017 was passed, nobody from the said Office was present before this Court and that the said order has not been communicated to him. The said explanation, in our view commends acceptance. We accordingly accept the same.

2 The charge-sheet has been filed for offences involving Sections 395, 353, 506 of the Indian Penal Code r/w Section 194 of the Motor Vehicles Act, 1988 and Section 3 of the Mines and Minerals (Development Regulations) Act. The gravamen of the allegations against the Applicant appears to be illegal transportation of minerals. We, therefore, do not deem this a fit case to exercise our jurisdiction under Section 482 of the Code of Criminal Procedure at this stage.

3 Since the charge-sheet has been filed and the Applicant has a notice of the same, the Applicant may approach the concerned Court and obtain a copy of the charge-sheet, if not already obtained. It would, thereafter, be open for the Applicant to take appropriate recourse under the

Cr.P.C. If any application is filed for discharge, the same would be tried on its own merits and in accordance the law.

4 With the directions as aforesaid, the Application is disposed of.

REVATI MOHITE DERE, J.

R. M. SAVANT, J.