

Sequeira

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

CRIMINAL WRIT PETITION No. 369 OF 2018

Mr.Rahul Shailendra Angre

... Petitioner

Vs

State of Maharashtra & another

... Respondents

Mr.Kuldeep S.Patil, for the Petitioner.

Mr.Deepak Thakre, PP a/w Mr.K.V.Saste - APP, for Respondent-State.

***CORAM : B. P. DHARMADHIKARI &
SARANG V. KOTWAL, JJ.***

Date : 7 December, 2018.

P.C. :

Heard learned counsel for the Petitioner and learned APP for Respondent No.1.

2. The Petitioner and Accused who was absconding and was not available during trial of MCOC Special Case No.1 of 2014 with Case No.6 of 2014 is before this Court for quashing of those cases.

3. Support is being taken from Judgment dated 1 March 2017 delivered in said case by Special Judge Thane, to urge that all material witnesses including the victim have not supported the

prosecution. The Petitioner contends that asking him to face trial therefore, will be an empty formality.

4. Learned APP submits that as Petitioner was shown as absconding accused in the charge-sheet and as such he was not put on trial at all, the Special Judge has therefore, at the end of Judgment directed investigating agency to file separate charge-sheet against absconding accused persons along with entire mudemal property.

5. It is apparent that if effort of the Petitioner is countenanced in extra-ordinary jurisdiction, it will set a wrong precedent. Absconding persons will surface only after acquittal and only if there is acquittal. Normal course expected by Code of Criminal Procedure is being followed in the matter. We are therefore not inclined. We dismiss the present Petition. No costs.

(Sarang V. Kotwal, J.)

(B.P.Dharmadhikari, J.)