

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

CRIMINAL APPLICATION No. 141 OF 2015

**WITH
CRIMINAL APPLICATION No. 139 OF 2017
IN
CRIMINAL APPLICATION No. 141 OF 2015**

Malti Singh Kashinath Singh and Anr. ...Applicants
Vs.
The State of Maharashtra and Ors. ...Respondents

Mr. Vijendra S. Jabra a/w. Mr. Vijay Pandey for Applicants
Mr. Rupesh Lanjekar, for Applicant in APP No. 139 of 2017
Mrs. N.S. Jain, APP for the State.

CORAM : NITIN W. SAMBRE, J.
DATE: MARCH 19, 2018

P.C.

1. By an order dated 15th January, 2010, charge came to be framed against the Applicants in Regular Criminal Case No. 519 of 2007 pending on the file of Judicial Magistrate, First Class, Panvel, which order is questioned in the present proceeding.
2. The learned counsel for the Applicants would submit that, framing of charge is based on the charge-sheet containing photocopies of the documents.

Hence, substantial prejudice is caused to the Applicants. According to him, entire case is based on frivolous allegations which are civil in nature for which a civil suit between the parties is already pending.

3. The claim is opposed by the Respondents.

4. At the outset, it is to be observed that the order impugned, is questioned at an interlocutory stage after delayed period of four years for which there is hardly any explanation. After an order was passed by the trial Court after delayed period of four years, an application is moved by the Applicants for setting aside the order impugned passed by the Trial Court on the aforesaid ground. The attempt on the part of Applicants is nothing but to protract the trial.

5. The objection that is sought to be raised herein was never raised before the Trial Court when charge was framed. The Applicants never raised any objection regarding violation of any statutory provisions which has caused any prejudice to the Applicants. The Applicants in response to Courts query have failed to demonstrate statutory right to have have the original copy of the document. Apart from above, the Applicants are not in a position to demonstrate the legal damages, if any, caused for not supplying the documents in original with the charge-sheet.

6. For the aforesaid reasons, no interference is warranted in this application.

The application fails dismissed. Interim order, if any, stands vacated. The trial Court is free to proceed with the trial on merits. In view of conduct of the Applicants of protracting the trial, Learned Trial Court is free to put to Applicants to conditions including exemplary cost if they do not co-operate in expeditious disposal of the trial which is pending for more than ten years.

7. In view of dismissal of the criminal application No. 141 of 2015, nothing survives in the Criminal Application No. 139 of 2017. Hence, it is also dismissed.

[NITIN W. SAMBRE, J.]