

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

CRIMINAL WRIT PETITION NO.3713 OF 2017

**Raj Jogeshwar Kumar : Petitioner.
Versus
The State of Maharashtra and anr. : Respondents.**

**Mr. Manish Bohra i/by A S Khan and Associates for the Petitioner.
Mr. K V Saste, Addl. PP for the Respondent/State.
Mr. Junaid Shabwany and Mr. R P Sawant for the Respondent No.2.**

**CORAM : R. M. SAVANT &
SANDEEP K SHINDE, JJ.
DATE : 12th FEBRUARY 2018**

P.C.

1 We are informed at the Bar that the FIR was lodged on 21/07/2014 and thereafter charge sheet was filed on 12/10/2015. The above Writ Petition has been filed on 14/09/2017 i.e. a good two years after the charge sheet was filed. We are also informed by the learned counsel for the Respondent No.2 that Non-Bailable Warrants were issued against the Petitioner as he was not remaining present before the Trial Court. However, the learned counsel for the Petitioner on instructions informed us that the said Non-Bailable Warrants were cancelled and that the Petitioner has been appearing in the Trial Court since the last two dates.

2 Having regard to the conduct of the Petitioner we do not deem this is a fit case to exercise our writ jurisdiction. The learned counsel for the Petitioner endeavoured to demonstrate to us as to why the ingredients of the

offences alleged against the Petitioner are not made out by the facts mentioned in the charge sheet. We do not deem it appropriate to go into the said material at this stage. The above Writ Petition is accordingly dismissed. However, the statutory remedies, if any, to the Petitioner are kept open for being invoked at the appropriate stage. If any such Application is filed, needless to state that the same would be considered on its own merits and in accordance with law.

3 At this stage, the learned counsel for the Petitioner prays for stay of the instant order. The said prayer is rejected.

[SANDEEP K SHINDE, J]

[R.M.SAVANT, J]