

nsc.

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

**WRIT PETITION NO.3754 OF 2017**

|                                                                 |                |
|-----------------------------------------------------------------|----------------|
| Martin Anthoniswami Durairaj                                    | ...Petitioner  |
| Versus                                                          |                |
| The Senior Police Inspector,<br>Chembur Police Station and Anr. | ...Respondents |

Mr.Mateen Abdul Rahim Shaikh, for the Petitioner.

Mr.S.R.Shinde, A.P.P for the Respondent No.2-State.

***CORAM : REVATI MOHITE DERE, J.***

***DATE : 22<sup>nd</sup> JANUARY, 2018***

**P.C. :**

1. Heard learned Counsel for the parties.
  
2. By this petition, the petitioner has impugned the order dated 12<sup>th</sup> September, 2017, passed by the learned Sessions Judge, 31<sup>st</sup> Court, Mumbai, in Sessions Case No.315 of 2017, below Exhibit – 15 (application for discharge), by which the learned Sessions Judge was pleased to reject the said application.

3. Learned APP submitted that 7 witnesses have been examined till date. He submitted that all the contentions raised by the petitioner in this petition can be urged and argued before the learned Sessions Judge after conclusion of the trial. He submitted that no interference was warranted, since trial has commenced.

4. The petitioner was arrested in connection with C.R.No.19 of 2017, registered with the Chembur Police Station, Mumbai, for the alleged offence punishable under Section 306 r/w 34 of the Indian Penal Code. Admittedly, the petitioner is on bail. Charge was framed as against the petitioner on 21<sup>st</sup> July, 2017. Till date, 7 witnesses have been examined and about 40 more witnesses are left to be examined.

5. Considering the fact, that the trial has commenced inasmuch as, charge has been framed and 7 witnesses have been examined till date, it is not necessary to consider the discharge application. Hence, the petition is dismissed and is accordingly disposed of.

6. Having regard to the fact, that the trial has commenced, the

learned Judge to conclude the trial as expeditiously as possible. All contentions of the petitioner raised in this petition are kept open.

7. It is also made clear, that the learned Judge shall decide the case on its own merits, uninfluenced by the dismissal of the aforesaid petition.

***REVATI MOHITE DERE, J.***