

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

CRIMINAL APPLICATION NO.1159 OF 2014

Sanjivan Natha Kambale : Applicant.
Versus
The State of Maharashtra and anr. : Respondents.

**Mr. Anand Jondhale a/w Mrs. Yashoda Jondhale, Mr. K K Sonawane and
Mr. Babu Singh Shekhawat i/by Jondhale and Co. for the Applicant.
Mr. R M Pethe, APP for the Respondent/State.**

**CORAM : R. M. SAVANT &
REVATI MOHITE DERE, JJ.
DATE : 02nd JULY 2018**

P.C.

1 The above Criminal Application has been filed invoking the jurisdiction of this Court under Section 482 of the Criminal Procedure Code for quashing of the proceedings in SC No.3 of 2013 pending on the file of the learned 2nd Additional Sessions Judge, Satara. The said proceedings have arisen out of C.R. No.62 of 2012 registered at the City Police Station, Satara for the offences punishable under Section 364(A), 395, 397, 342, 120B, 465, 467 and 471 of the Indian Penal Code. The quashment is sought on the grounds which are mentioned in the above Criminal Application.

2 It is required to be noted that the Applicant had filed an Application for discharge under Section 227 of the Criminal Procedure Code sometime in the year 2013. The said Application has been rejected by the Trial Court i.e. the learned 2nd Additional Sessions Judge, Satara, by order dated

15/09/2014. Amongst the grounds which seems to have been urged in the said Application is the ground which the Applicant seeks to canvas before us.

3 In view of the fact that the Trial Court has after going into the facts rejected the said Application for discharge filed by the Applicant, we do not deem this a fit case to exercise our jurisdiction under Section 482 of the Criminal Procedure Code. It was for the Applicant to challenge the order dated 15/09/2014 passed by the Trial Court rejecting his Application for discharge. Having not done so, the Applicant now cannot invoke the jurisdiction under Section 482 of the Criminal Procedure Code. The above Criminal Application is accordingly dismissed.

[REVATI MOHITE DERE, J]

[R.M.SAVANT, J]