

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Application (APL) No.333 of 2011
(Dr.Jadusingh Babuulal Rajput and Ors. vs. State and Ors.)

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr.Nihalsingh Rathod, Advocate h/f. Mr.S.N.Nandeshwar,
Advocate for the applicants.

CORAM : P. N. DESHMUKH &
M. G. GIRATKAR, JJ.

DATE : 9.8.2018.

Mr.J.Y.Ghurde, learned Additional Public Prosecutor for respondent/State makes a statement that investigation is complete but charge-sheet is not filed since, vide order of this Court dt.29.11.2012, the Investigating Officer was directed to proceed with the investigation but to not to submit final report without leave of the Court.

In view of the statement as aforesaid, Mr.Nihalsingh Rathod, learned Counsel for the applicants submits that in the event Investigating agency is allowed to file the charge-sheet, leave be granted to withdraw the application with liberty to adopt recourse to file discharge application before the trial Court and has further contended that, during pendency of the present application, all the applicants have retired from their services, however, due to pendency of present crime, retiral benefits of applicant nos. 2 and 3 are withheld and thus, submits that discharge application in that event be expedited.

In view of facts as aforesaid, we recall order

dt.29.11.2012 thereby allowing filing of charge-sheet and grant leave to applicants as prayed for with liberty to file discharge application. The application is accordingly disposed of as dismissed since allowed to be withdrawn with liberty as prayed for.

Learned trial Court whosoever is seized with Crime No.14 of 2011 shall make an endeavour to expeditiously dispose of the discharge application, if any, filed by the applicants, preferably within three months from the date of filing the same.

Needless to state that, on filing of charge-sheet, further proceedings in Crime No.14 of 2011 shall stand stayed pending discharge application.

JUDGE

JUDGE

**jaiswal*