

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

CRIMINAL REVISION NO.87 OF 2018

(Ramesh s/o Keshavrao Kumbharkar ..vs.. The State of Maharashtra, through PSO, PS Wani)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri R.R. Vyas, Counsel for the applicant,
Shri C.A. Lokhande, Addl.P.P. for the non-applicant.

CORAM : ROHIT B. DEO, J.

DATED : 27-06-2018

The limited submission of the learned Counsel Shri R.R. Vyas is that the applicant-accused was supplied a copy of the charge-sheet on 27-3-2018 and immediately the Court framed the charge.

2. The counsel for the applicant-accused was not present when the copy of the charge-sheet was supplied and as a result, the charge came to be framed without hearing the applicant-accused or his learned Counsel.

3. In all fairness, this factual position is not disputed by the learned Additional Public Prosecutor Shri C.A. Lokhande.

4. The order impugned is unsustainable. Charge could not have been framed without affording a reasonable opportunity of hearing to the accused.

5. The order impugned is set aside.
6. The learned Additional Sessions Judge, Kelapur is requested to give reasonable opportunity of hearing to the applicant-accused before deciding to frame the charge.
7. The revision is allowed accordingly.

JUDGE

adgokar