

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

CRIMINAL APPLICATION (APPP) NO. 1919 OF 2018
IN CRIMINAL APPLICATION (APL) NO. 569 OF 2018

(Abhijeet s/o Babanrao Datarkar & Ors. vs. State of Maharashtra thr. PSO, PS Sitaburdi,
Nagpur)

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

Court's or Judge's orders.

**CORAM : S.B. SHUKRE &
S.M. MODAK, JJ.
DECEMBER 12, 2018.**

Heard Shri V.N. Morande, learned counsel for the applicant Shri M.J. Khan, learned APP for the non-applicant No. 1 – State and Shri P.M. Shukla, learned counsel for non-applicant No. 2.

The learned APP submits that appropriate orders may be passed in this application for amendment while the learned counsel for non-applicant No. 2 is opposing this application on the ground that as the charge sheet has been filed, the applicant is entitled to an alternate remedy of seeking discharge from the trial Court and, therefore, there is no need to allow this application.

However, having regard to the law laid down by the Apex Court in SLP (Cri) No. 3730 of 2016 (*Anand Kumar Mahatta vs. State (Govt. - N.C.T. of Delhi)*) decided on 15.11.2018, we do not find substance in the opposition of the learned counsel for non-applicant No. 2.

Accordingly, we are of the view that this application deserves to be allowed. The application for

amendment is allowed in terms of its prayer clause. The necessary amendment be carried out before the next date.

In the meanwhile, liberty is granted to the applicants to seek their exemption from personal appearance on the next date in the trial Court, in accordance with law.

List the matter on 09.01.2018.

JUDGE

JUDGE

*GS.