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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No. 1521 OF 2018

Haresh Rellumal Teckchandani ... Appellant
Vs.
State of Maharashtra & Anr. ... Respondents

Mr. Rishi Bhawa a/w Ms. Gunjan Thakkar i/b Manish Bohra,
for the Appellant.

Mrs. S. V. Sonawane, APP for Respondent .

**CORAM : INDRAJIT MAHANTY, &
A. M. BADAR, JJ.**

DATE : AUGUST 7, 2019

PC :

1. Heard the learned counsel appearing for the parties. The learned counsel for the Appellant has sought to challenge an order dated 1st September, 2018, in terms of which the application made by the Appellant seeking discharge under S. 239 of the Cr. P. C . came to be rejected. Although various contentions are raised in the appeal memo seeking to challenge the said order, at the outset, it is brought to our notice that the Appellant had filed an additional ground for discharge at Exhibit D on 18th December, 2017, but it is contended on behalf of the Appellant that the said contention was not taken note of, nor any finding on it was recorded while rejecting the

application for discharge.

2. Learned APP Mrs. Sonawane submits that there has been substantial development in the matter subsequent to the date of passing the impugned order. We do not need to consider the subsequent development at present, since we find from the impugned order that the ground taken by the Appellant as an additional ground for his discharge (Exhibit D) does not appear to have been considered by the learned Designated Court in the impugned order dated 1st September, 2018 (Exhibit E). On this ground alone, we set aside the impugned order and direct the learned Designated Court to consider the said issue and decide the application for discharge afresh, strictly on merits and in accordance with law. It is made clear that nothing observed hereinabove shall have any impact on merits of the contentions of the parties before the trial Court.

. The criminal appeal is disposed of in the aforesaid terms.

Sd/-
[A. M. BADAR, J.]

Vinayak Halemath

Sd/-
[INDRAJIT MAHANTY, J.]