

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

CRIMINAL APPLICATION (APPP) NO. 439/2019
IN
CRIMINAL APPLICATION (APL) NO. 838 OF 2015 (D)

Govind S/o Gehimal Mirpuri and others

..VS..

State of Maharashtra and another

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

Court's or Judge's orders

Shri P.V. Vaidya, Adv. for the applicants.

Shri T.A. Mirza, A.P.P. for the non-applicant No. 1.

CORAM : Z.A. HAQ AND
PUSHPA V. GANEDIWALA, JJ.

DATED : 09th OCTOBER, 2019

Heard.

By this application, the applicants have prayed that the order passed by this Court on 22/01/2019 disposing Criminal Application (APL) No. 838/2015 as withdrawn with liberty to file application praying for discharge before the trial Court, be recalled.

According to the applicants, Criminal Application (APL) No. 838/2015 was withdrawn under the wrong impression that charge-sheet is filed, though it was not filed and is not filed till today.

On going through the order dated 22/01/2019, it cannot be said that the Court permitted the applicants to withdraw the criminal application only because the order passed on earlier date i.e. on 08/01/2019 shows that this

Court had expressed that looking to the offences registered against the applicants, it was not inclined to exercise the jurisdiction under Section 482 of the Code of Criminal Procedure, and learned Advocate for the applicants had sought time to take instructions as to whether the criminal application should be withdrawn with liberty to file discharge application, and on the next date i.e. on 22/01/2019, criminal application was withdrawn with liberty to file discharge application.

On scrutinizing the matter, we are not convinced that the matter requires reconsideration. Hence, the criminal application is dismissed.

It is clarified that the applicants will be at liberty to file application praying for discharge, after the charge-sheet is filed.

JUDGE

JUDGE

D.S. Baldwa