

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

WRIT PETITION NO.232 OF 2019

(Sukumar @ Bandu s/o Natraj Belekar Vs. State of Maharashtra thr. PSO PS
Jaripatka, Nagpur and others)

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

Court's or Judge's orders.

Shri R.S. Nayak, Advocate for Petitioner.
Shri N.B. Jawade, APP for Respondent 1/State.
Shri M.P. Kariya, Advocate for Respondents 2 to 4.

CORAM: ROHIT B. DEO, J.

DATE: 12th JUNE, 2019.

This petition is seeks to challenge the order dated
14.01.2019 passed by the Ad hoc Additional Sessions Judge
1, Nagpur which reads thus:

*“Issue show cause notice to the prosecution
witness No.5 Bandu Sukumar Belekar calling
upon to say as to why he should not be made
proposed accused applied for.”*

2] By the order impugned the learned Sessions
Judge has issued show cause notice to the petitioner calling
upon the petitioner to show cause why he should not be
added as accused in exercise of power under Section 319 of
the Cr.P.C.

3] This show cause notice is issued on the
application preferred by the original accused 2, 3 and 4 –

respondents 2, 3 and 4 herein.

4] The learned counsel Shri Kariya states that the application under Section 319 of Cr.P.C. Preferred by respondents 2 to 4 is withdrawn on 04.05.2019.

5] In this view of the matter, there is no cause of action, at least at this stage.

6] Needless to say, notwithstanding the withdrawal of the application by the accused, if the trial Court decides to exercise power under Section 319 of the Cr.P.C., it shall be open for the petitioner to challenge such exercise of power on the basis of all possible contentions.

7] Petition is disposed of.

JUDGE