

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO.3562 OF 2018

Himanshu Bansilal Nagdev

...Petitioner

vs.

The State of Maharashtra and Anr.

...Respondents

Mr. Laxman S. Deshmukh for the Petitioner.

Mr. K. V. Saste, APP for the Respondent/State.

**CORAM : B. P. DHARMADHIKARI &
N. R. BORKAR, JJ.**

DATE : 18/2/2020.

PC.:

. Learned counsel for the petitioner attempts to show absence of material to connect the petitioner with the crime. He fairly states that for a brief period after the petitioner arrived in city he stayed with accused persons but then has no relationship with them or with their activities.

2. He also submits that immediately after filing of charge-sheet before trial Court, application for discharge was filed and it is still pending. No say has been filed by the State Government.

3. Learned APP is seeking time to verify facts. He however adds that before framing of charge, the trial Court is bound to look into the material and that material can be looked into and taken care of by that Court while considering application for discharge moved by the petitioner.

4. We find that charge-sheet was filed way back in the year 2016 and thereafter present petition is filed in the year 2018. In the petition for

last more than 2 years, this Court has not passed any order.

5. Whether there is any material against the present petitioner can be more conveniently looked into by trial Court since along with the petitioner there are four other persons shown as accused and provision of section 34 has also been used.

6. We therefore direct respondent/State to proceed further before trial Court to enable that Court to consider prayer for discharge moved by the petitioner in accordance with law. If any reply is to be filed, it shall be filed within 6 weeks from today. The trial Court shall otherwise proceed in default of reply.

7. With these directions and keeping all contentions of the parties open, we dispose of the present petition.

(N. R. BORKAR, J.)

(B. P. DHARMADHIKARI, J.)