

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

CRIMINAL APPLICATION (APL) NO.56/2020

Syed Ejaz Ali s/o Syed Shabbar Ali .vs. State of Maharashtra through PSO
P.S. City Kotwali, Akola and anr.

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

Court's or Judge's orders.

Mr. A. B. Mirza, Advocate for applicant.

Mr. M. K. Pathan, A.P.P. for non applicant no.1-State.

CORAM : V. M. DESHPANDE, J.

DATED : JANUARY 21, 2020

Heard Mr. Mirza, learned counsel for applicant who is accused no.28 in final report submitted by the investigating officer in Crime No.12/2010, registered with Police Station City Kotwali, Akola for an offence punishable under Sections 409, 420, 468, 471, 120B, 109 and Section 204 of the Indian Penal Code.

The applicant filed an application under Section 239 of the Code of Criminal Procedure for discharge. Learned Chief Judicial Magistrate, Akola, after considering statement of Mohammad Mukhtyar Abdul Gaffar, dismissed the application. Against that, a revision was filed being Criminal Revision No.50/2015 and the learned Judge of the revisional Court, on 15.02.2019, dismissed the revision.

With assistance of learned counsel, I have gone through statement of Mohammad Mukhtyar Abdul Gaffar, who is cheated on the pretext of giving employment to his son Iftekhar in a school. Role of the applicant is clearly attributed in the statement.

Law on discharge is well settled. If there is material to frame charge that is sufficient to reject application for discharge. Statement of Mohd. Mukhtyar clearly shows that the applicant has acted as a middleman and on his promise to give employment to his son, he sold his agricultural property and through the present applicant, handed over the amount to Sanjay Mahagaonkar.

Thus, there is ample material against the applicant to frame the charge.

In that view of matter, the application is rejected.

Mr. Mirza, learned counsel for applicant, submits that applicant is a retired Head Master. Due to pendency of this proceeding, he is not getting his pension. He, therefore, submits that the trial be expedited.

Looking to the fact that the case is of 2011, that relief can be granted. Hence, I pass the following order.

ORDER

- (i) The application is dismissed.
- (ii) Learned Chief Judicial Magistrate, Akola, on whose file Regular Criminal Case No.425/2011 is pending, is hereby directed to try and dispose of said trial as expeditiously as possible and preferably within two years from the date of receipt of writ of this order.
- (iii) Applicant is directed to extend full cooperation to the learned Magistrate for early disposal of the trial.

The application is disposed of.

JUDGE