

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

CRIMINAL APPLICATION (APL) NO. 127 OF 2014

(ANIL MADHAVRAO DHAWDE & OTH ...VS. STATE OF MAH. THR. PSO NANDANVAN & ANR.)
 AND

CRIMINAL APPLICATION (APL) NO. 396 OF 2014

(DINESH RAMBHAU AKRE & OTH...VS. STATE OF MAH. THR. PSO NANDANVAN & ANR.)

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

Court's or Judge's orders

 Shri R.M.Daga, Advocate for Applicants in APL No.127/2014.
 Shri R.K.Tiwari, Advocate for Applicants in APL No.396/2014.
 Shri T.A.Mirza, A.P.P. for Non-applicant No.1/State.

CORAM : Z.A.HAQ & AMIT B. BORKAR, JJ.

DATED : DECEMBER 01, 2020.

In Criminal Application (APL) No. 396 of 2014 applicant No.3-Harishchandra Madhavrao Dhawade is reported to be dead, as submitted by Shri R.K.Tiwari, learned Advocate for the applicants.

2. In both these applications under Section 482 of the Code of Criminal Procedure, the accused have prayed that First Information Report No.56 of 2014, registered against them for the offences punishable under Sections 147, 148, 149, 447, 386, 387, 294, 506-II of the Indian Penal Code, Sections 4 and 25 of the Arms Act and Section 135 of the Bombay Police Act, be quashed. Both the Criminal Applications are admitted and are pending for final hearing since 2014.

3. Shri R.K.Tiwari, learned Advocate for the applicant Nos.1 and 2 in Criminal Application (APL) No.396 of 2014 requested for time to file an application seeking permission to amend the application and to incorporate challenge to the charge-sheet, which according to him is filed during pendency of this application before this Court.

4. Shri R.M.Daga, learned Advocate for the applicants in Criminal Application (APL) No.127 of 2014 submitted that he is not aware whether the charge-sheet is filed or not.

5. Be that as it may, as the First Information Report against the applicants in both these criminal applications is same and on request of the learned Advocates representing the applicants in both these Criminal Applications, the matters have been clubbed for hearing, we are of the view that the charge-sheet might have been filed against the applicants in Criminal Application (APL) No.127 of 2014 also.

6. As the matters are pending since 2014 and the applicants have not taken any steps to amend the criminal applications to incorporate challenge to the charge-sheet, we are not inclined to accede to the prayer made by the learned Advocates for the applicants to grant time to take appropriate steps in the matter.

Both the Criminal Applications are **dismissed** with liberty to the applicants to take appropriate steps according to law and move appropriate applications before appropriate Court to seek redressal of their grievance.

It is clarified that we have not adverted to the contentions on merits raised by the applicants in both these Criminal Applications.

(AMIT B. BORKAR, J)

(Z.A.HAQ, J.)