

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

CRIMINAL APPLICATION (APL) NO.178/2018

Sou.Veena w/o Ganpatrao Bahekar and ors

..VS..

State of Mah., thr. PSO Ramnagar, Tahsil Gondia, District Gondia and anr

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

Court's or Judge's Order

.....
None for Applicants.

Shri S.M.Ghodeswar Addl.P.P. for NA No.1/State.

**CORAM : V.M.DESHPANDE &
ANIL S.KILOR, JJ.**

DATED : DECEMBER 2, 2020.

1. Learned counsel Shri O.K.Masurke for applicants, is absent, when this application was taken up for its admission.
2. Non-applicant No.2 is served, however she is not represented by any Advocate.
3. The State is represented by learned Additional Public Prosecutor Shri S.M.Ghodeswar. The State has filed a detailed reply.
4. By filing the present proceedings under Section 482 of the Code of Criminal Procedure, applicants set a challenge to First Information Report dated 27.4.2017 registered with Ramnagar Police Station, District Gondia vide Crime No.165/2016 for offences punishable under Sections 498/A, 504, and 506 read with Section 34 of the Indian Penal Code.
5. From record, it appears that this application

was presented in the Court on 26.2.2018 and on 3.8.2018 Notices for final disposal were given and at that time it was observed that chargesheet shall not be filed against applicants, if it is not already filed.

6. An affidavit on behalf of the State was filed and it was affirmed on 10.8.2018. In the reply, a specific statement is made on oath that after completion of investigation, chargesheet was filed on 27.2.2017. A copy of this reply was given to learned counsel for applicants on 29.10.2018, as it could be seen from endorsement made on left hand margin of the reply filed by the State. Though the copy was furnished on 29.10.2018, till today no counter affidavit is filed by applicants controverting the statement that the chargesheet is filed on 27.2.2017.

7. Since the application is filed only to challenge the First Information Report and at the time of filing of the application investigation was over and the chargesheet was already filed, in our view, this application is required to be disposed of since there is not challenge set out in the application to the chargesheet. Consequently, the application is disposed of.

8. Needless to mention that there will be liberty for applicants to file an appropriate application before Trial Court for discharge, if so advised.

JUDGE

JUDGE

!! BRW !!

**Bhushan
Wankhede**

Digitally signed
by Bhushan
Wankhede
Date: 2020.12.03
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