

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

CRIMINAL APPLICATION NO. 421/2020 (APPP)
IN
CRIMINAL APPLICATION (APL) NO. 8 OF 2020

Vijay s/o Ratan Nagdeve

..vs..

State of Maharashtra, thr. Police Station Officer and ors.

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

Court's or Judge's orders

Shri Uday Dable, Advocate for applicant
Shri N.B. Jawade, A.P.P. for non-applicant-State.

CORAM : VINAY JOSHI, J.
DATED : 15/04/2020

Not on board, filed in Court.

2. Heard. Learned A.P.P. seeks to consider the application dated 13.04.2020 filed by the State by which permission was sought to file charge-sheet in Crime No. 283 of 2018 against the present applicant alongwith the co-accused. Though copy of this application was served on the applicant, reply has not been filed. This Criminal Application was filed by one of the accused challenging the order dated 01.04.2019 by which the provisions of Maharashtra Control of Organized Crime Act, 1999 (for short 'the Act, 1999) were invoked against the applicant. On 13.01.2020 this Court has issued notice to the non-applicants and further directed that investigation to continue, but prosecution shall not filed charge-sheet against the applicant without obtaining the leave of the Court.

4. Learned A.P.P. submitted that, State has already

sought maximum extension for filing charge-sheet in terms of Section 21 of the Act, 1999 and the period would expire on 18.04.2020. It is his contention that, since the charge-sheet is under the Act, 1999 it cannot be filed only against the main accused namely Kailash Bharadwaj as it relates to continuing unlawful activity and organized crime syndicate. He would submit that, if charge-sheet has not been filed within stipulated period then main accused would claim bail in default.

5. It reveals that due to order dated 13.01.2020, the State is unable to file charge-sheet in the Court, thought it is submitted that the charge-sheet is ready. Learned A.P.P. submitted that they may be directed to file charge-sheet subject to the outcome of this application. The legality of invoking the provisions of the Act, 1999 against the applicant would certainly be tested on merits. Mere filing of charge-sheet would not cause any prejudice to the rights of the applicant to challenge invoking the provisions Act,1999 against him.

6. In view of that, subject to outcome of this application, the State is permitted to file charge-sheet.

7. Criminal Application stands disposed of accordingly.

JUDGE

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