

JPP

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

CRIMINAL WRIT PETITION NO. 519 OF 2021

Anil Digambar Ghodke

... Petitioner

V/s.

The State of Maharashtra

... Respondent

Mr. Chaitanya Nikte for the Petitioner

Mr. S.R. Shinde, APP for the Respondent - State

***CORAM : NITIN JAMDAR &
SARANG V. KOTWAL, JJ.***

DATE : 21 OCTOBER 2021

P.C. :-

Heard the learned Counsel for the Petitioner.

2. The main contention advanced by the Petitioner that there is no verification of the demand made by the Petitioner. A perusal of the FIR indicates otherwise and the contentions raised by the Petitioner are on the assessment of his defence. The reading of the FIR, which is in detail, shows that the case does not fall within the parameters laid down by the Apex Court in the case of *M/s. Neeharika Infrastructure Pvt. Ltd. v/s. The State of Maharashtra*¹.

¹ AIR 2021 SC 1918

Realizing this position, the learned Counsel for the Petitioner states in such circumstances that the Petitioner has a remedy of applying for discharge after the charge-sheet is so filed. The charge-sheet is not filed because the interim order was passed on 12 February 2021 in view of the request made by the learned APP for adjournment.

3. Since the Petitioner is desirous for applying for discharge after the charge-sheet is filed, we dispose of this Petition keeping all contentions of the Petitioner open when the Petitioner applies for discharge.

4. The Writ Petition is disposed of as above.

SARANG V. KOTWAL, J.

NITIN JAMDAR, J.

JYOTI
PRAKASH
PAWAR

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by JYOTI
PRAKASH PAWAR
Date: 2021.10.25
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