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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.2381 OF 2017

Soharab Shikandar Naik

APPLICANT

VERSUS

The State of Maharashtra and another

RESPONDENTS

.....
Mr. R. V. Dasalkar, APP for respondent - State
.....

**CORAM : DIPANKAR DATTA, CJ &
NITIN B. SURYAWANSHI, J.**

DATE : 15th FEBRUARY, 2022

ORDER :

1. None appears for the applicant.
2. The applicant seeks quashing of proceedings in Special Case No. 70 of 2014 pending before the learned Additional Sessions Judge, Jalgaon, arising out of Crime No. 172 of 2014 registered by the M. I. D. C. Police Station, Jalgaon, under sections 363, 366, 506 read with section 34 of the Indian Penal Code.
3. The petitioner had applied for discharge under section 227 of the Criminal Procedure Code (hereafter "the Cr. P.C.", for short) by filing an application being Exhibit-25. Such application has been rejected by the Additional Sessions

Judge by an order dated 10th April, 2017. The petitioner, instead of challenging the order in revision, has applied under section 482 of the Cr. P.C. for quashing of the proceedings.

4. Having looked into the documents on record as well as upon hearing Mr. Dasalkar, learned Assistant Public Prosecutor, we are of the view that continuation of the subject proceedings would not be an abuse of the process. With the application for discharge being dismissed by a judicial order, there is a presumption of there being sufficient materials on record to continue the proceedings. In such view of the matter and particularly in view of an alternative remedy being available to the petitioner before the Single Bench of this Court, we are not inclined to exercise discretion in his favour.

5. This application, accordingly, stands dismissed. No costs.

[NITIN B. SURYAWANSHI, J.]

[CHIEF JUSTICE]