

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL WRIT PETITION NO. 1255 OF 2021
CRIMINAL WRIT PETITION NO. 1256 OF 2021
CRIMINAL WRIT PETITION NO. 1257 OF 2021
AND
CRIMINAL WRIT PETITION NO. 1258 OF 2021**

Vikas Bapurao Bhosale ... Petitioner
Versus
The State of Maharashtra and another ... Respondents

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Mr. D. B. Thoke, Advocate for petitioner
Mr. R. B. Bagul, Mr. S. P. Sonpawale, APPs for respondents – State in
respective petitions

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CORAM : R. G. AVACHAT, J.

DATED : 19th APRIL, 2022

PER COURT :-

. Heard.

2. The challenge in all these petitions is to the orders passed on respective applications, refusing to grant discharge to the petitioner herein from the Summary Criminal Cases.

3. Petitioners in all these petitions is one and the same person. Charge-sheets have been filed against him and others for offence punishable under Sections 3 and 7 of the Essential Commodities Act, 1955 and Sections 4 and 5 of Sugar Control Order

1966 and Section 2 of Levy Sugar Supply Control Order 1979. The trial Court took cognizance of the offence/s and issued process.

4. The learned Advocate for the petitioner would submit that those are the cases instituted otherwise than on police report. Section 258 of the Code of Criminal Procedure, is therefore applicable. The trial Court has every power/jurisdiction to stop the proceeding and discharge the accused, if the facts and circumstances of the case so warrant. He, therefore, urged for allowing the applications moved by the petitioner herein for his discharge from the respective criminal case/s.

5. Considered the submissions advanced.

The offence/s alleged to have been committed by the petitioner herein are of summons case. The procedure prescribed for trial of such offence is given in Chapter XX of the Code of Criminal Procedure. Since those being summons cases, there is no stage of discharge. The applications moved by the petitioner herein for his discharge, were in the nature of asking the Court concerned to review its own order of issuance of process. The trial Court has therefore rightly rejected all the applications moved in that regard.

6. True, power under Section 258 of the Code of Criminal Procedure could be exercised by a Magistrate to stop proceeding in certain cases. Before the trial Court, the petitioner had not relied on Section 258 of the Code of Criminal Procedure. Needless to mention that power under Section 258 of the Code of Criminal Procedure is exercised sparingly and in exceptional cases.

7. As such, no case even for issuance of notice is made out in these petitions. The petitions therefore stand dismissed.

[R. G. AVACHAT, J.]

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