

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

CRIMINAL APPLICATION NO.141 OF 2022

Annasaheb Shripati Khot and Anr. ...Applicants
Versus
State of Maharashtra and Ors. ...Respondents

Mr. D. V. Sutar a/w Kiran Kulkarni and Ms. Kavita D. Vijapure, for the Applicants.

Ms. S. D. Shinde, A.P.P for the Respondents.

***CORAM : REVATI MOHITE DERE &
R. N. LADDHA, JJ.***

DATE : 9th NOVEMBER 2022

P.C. :

1. By this application, the applicants seek a direction to the learned Judicial Magistrate First Cass, Ichalkaranji, District – Kolhapur, to hear and decide the discharge application (Exhibit – 17), filed by the applicants under Section 239 of the Code of Criminal Procedure in Regular Criminal Case No.48 of 2006, within a specific time frame.

2. Learned Counsel for the applicants submits that the incident is of the year 2005 and that charge-sheet in the said case was filed in 2006. He submits that the applicants filed a discharge application in 2009, however, till date, the discharge application has not been heard/decided by the learned Judicial Magistrate First Cass, Ichalkaranji, District – Kolhapur. He further informs this Court that till date charge has not been framed by the learned Judge.

3. Considering what is stated aforesaid, without going into the merits of the application, we deem it appropriate to direct the learned Judicial Magistrate First Cass, Ichalkaranji, District – Kolhapur, to hear and decide the applicants discharge application (Exhibit – 17), filed under Section 239 of the Code of Criminal Procedure in Regular Criminal Case No.48 of 2006, as expeditiously as possible, and in any event on or before **30th December 2022**.

4. Application is accordingly disposed of on the aforesaid terms.

5. It is made clear, that we have not gone into the merits of the application and as such all contentions of all parties are kept open.

R. N. LADDHA, J.

REVATI MOHITE DERE, J.