

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 350 OF 2019

Shaikh Mohammed Muzammil Naeem

...Petitioner.

Versus

The State of Maharashtra.

..Respondent.

Mr. Husnain Kazi Sayyed for the Petitioner.

Ms. S. D. Shinde, APP for the Respondent-State.

CORAM : PRASANNA B. VARALE &

S.M. MODAK, JJ.

Date : April 12, 2022.

P. C. :

1. Today, the matter is moved before this Court by way of a *praecipe* claiming an urgency.

2. Learned counsel appearing on behalf of the Petitioner invited our attention to the factual aspects referred to in the *praecipe*, namely, registration of FIR against the Petitioner, bearing Crime No. 102 of 2018 at Bharati Vidyapeeth Police Station, Pune on the allegation of commission of offence punishable under sections 307, 324, 326, 506, 143, 147, 148 and 149 of the Indian Penal Code, 1860. It is stated in the *praecipe* that process of investigation is complete and the charge-sheet has been filed. It is then stated that present petition is filed in the year 2019 and the Petitioner had also approached the competent Court for protecting his liberty and by making preliminary observations, the said application was allowed and the

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petitioner's liberty was protected. Learned counsel then submitted that the Petitioner is apprehending framing of charges against him and as per the material collected by the investigating agency, which is reflecting in the charge-sheet, there is absolutely no evidence against the Petitioner.

3. In view of these submissions advanced by learned counsel appearing on behalf of the Petitioner, in our opinion, the petition itself can be disposed of by permitting the Petitioner to avail the appropriate remedies available to him under the law, including the filing of an application before the competent Court seeking discharge. Learned counsel for the Petitioner submitted that such a course of filing an application seeking discharge will be undertaken by the Petitioner within a period of two weeks from today. In view of the statement made on behalf of the Petitioner, the writ petition is **disposed of** with the following directions :

- 1] The Petitioner, if so advised, may file an application within two weeks from today before the competent Court seeking discharge from the case.
- 2] If such an application is filed by the petitioner within two weeks from today, the competent Court shall decide the same as expeditiously as possible and in any case within the period of three weeks from the date of filing of such an application.
- 3] Till the decision on such an application to be filed by the Petitioner within two weeks from today, the charges shall

not be framed against the Petitioner.

- 4] The Petitioner's application seeking discharge shall be decided on its own merits as this Court has not at all gone into merits of the matter.

[S. M. Modak, J.]

[Prasanna B. Varale, J.]