

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

***CRIMINAL INTERIM APPLICATION NO.1904 OF 2022
IN
CRIMINAL WRIT PETITION NO.5634 OF 2021***

Shankar Pramod Chopde ...Applicant

IN THE MATTER BETWEEN:

Manish Haresh Milani ...Petitioner

Versus

The State of Maharashtra and Ors. ...Respondents

***WITH
CRIMINAL WRIT PETITION NO.5634 OF 2021***

Manish Haresh Milani ...Petitioner

Versus

The State of Maharashtra and Ors. ...Respondents

Mr. Umesh Mankapure a/w Mr. Sagar Kursija, for the Applicant in IA/ 1904/2022 and for the Respondent No.4 in WP/5634/2021.

Mr. Aabad Ponda, Senior Advocate i/b Ms. Pallavi Kulkarni, for the Petitioner.

Mr. J. P. Yagnik, A.P.P for the Respondent – State.

***CORAM : REVATI MOHITE DERE &
MADHAV J. JAMDAR, JJ.
DATE : 5th SEPTEMBER 2022***

P.C. :

1. Heard learned Counsel for the parties.

2. By this application, the applicant seeks the following substantive prayer:-

“18.

(B) This Hon’ble Court may kindly be pleased to vacate the interim relief granted to the petitioner by order dated 28/04/2022 passed by his Hon’ble Court in the original writ petition.”

3. Learned counsel for the applicant states that the petitioner had wrongly represented to the Court that charge-sheet was filed in the matter and that in case, charges are framed as against the petitioner, the entire attempt of approaching this Court would be futile, pursuant to which, this Court granted interim relief to the petitioner vide order dated 28th April 2022. He submits that the petitioner was absconding and hence the question of filing charge-

sheet against him did not arise and consequently, the question of framing charge *qua* the petitioner. Learned Senior Counsel for the petitioner admits that since charge-sheet was not filed as against the petitioner, the question of framing charge as against the petitioner would not arise. He submits that the statement was made by him on instructions, having regard to an in-correct assumption that charge-sheet was filed.

4. Be that as it may, since admittedly charge-sheet has not been filed as against the petitioner, the question of framing charge as against him will not arise.

5. In view of the aforesaid, the interim relief granted by this Court vide order dated 28th April 2022 directing the respondents, not to frame charges, *qua* the petitioner, till the next date, stands vacated.

6. Interim Application is allowed and is accordingly disposed of.

7. Writ Petition to be listed 'for admission' on 3rd October 2022.

MADHAV J. JAMDAR, J.

REVATI MOHITE DERE, J.