

VRJ

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

WRIT PETITION NO.3619 OF 2022

Prakash Pukraj Nahar & Ors.	... Petitioners
V/s.	
The State of Maharashtra	... Respondent

Mr. Sandesh B. Manikhedkar i/by Ms. Dipika Gupta for
the petitioners.

Mr. A.R. Patil, APP for the respondent/State.

Mr. R.H. Kadam, PSI, L.T. Marg Police Station.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 14, 2022

PC.:

1. The petitioners are challenging order of framing of charge on the ground that the copy of charge sheet was not served on them on the date of framing of charge. The petitioners were repaying prosecuting for offences punishable under sections 498-A, 406 read with section 34 of the Indian Penal Code.

2. Petitioner No.2 is mother-in-law. Petitioner No.3 is husband. Petitioner No.4 is sister-in-law of the informant.

3. On the grounds raised above, the learned APP for the State called upon to take instructions as to whether the copy of the charge sheet was supplied to the accused before framing of charge.

4. Today, the investigating officer is present in the Court. He has tendered copy of charge sheet containing acknowledgment of the petitioners. It shows that the copy of the charge sheet has been served on the petitioners on 16th July, 2022. The charge has been framed on 14th July, 2022.
5. In that view of the matter, it is clear that the copy of the charge sheet was not supplied to the petitioners before framing of charge. For the said reason, the order of framing of charge dated 14th July 2022 is quashed and set aside.
6. It shall be open for the petitioners to adopt appropriate remedies.
7. If the petitioners file an application for discharge by 16th January 2023, the learned Magistrate shall decide the application in accordance with law. If they fails to file an application for discharge, the learned Magistrate shall frame charges in accordance with law.
8. The writ petition is disposed of in above terms. No costs.

(AMIT BORKAR, J.)