

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (APL) NO.837/2021

Pachu Jaidev Bishwas Vs. State of Maharashtra and Anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri Anjan De, Advocate for Applicant.
Shri T. A. Mirza, A.P.P. for Non-applicant/State.

CORAM : V. M. DESHPANDE AND
AMIT BORKAR, JJ.

DATE : 23/03/2022.

1. By this application under Section 482 of the Code of Criminal Procedure, the applicant is praying to this Court that this Court can exercise its powers under Section 482 of the Code of Criminal Procedure to quash the Sessions Case No.32/2000 and the sentence awarded be quashed.

2. We are afraid, this relief can be granted by us by exercising the powers under Section 482 of the Code of Criminal Procedure inasmuch as the accused were chargesheeted in view of the charge-sheet presented against them by Police Station Officer, Ramnagar, Chandrapur for the offences punishable under Sections 307, 324 read with Section 34 of the Indian Penal Code. Since the offence was exclusively triable by the Court of Sessions, the case was committed to the Court of Sessions and it was registered as Sessions Case No.32/2000. The learned Additional Sessions Judge framed the charge against the accused. They denied their guilt and claimed

for trial. In order to prove the charge, the prosecution has examined eleven witnesses and after appreciation of the entire prosecution case, the learned Additional Sessions Judge, Chandrapur convicted the applicant/accused No.1 – Pachu Jaidev Bishwas for the offence punishable under Section 307 of the Indian Penal Code. The accused Nos.2 and 3 were acquitted.

3. Being aggrieved by the conviction, applicant-Pachu approached to this Court by filing the criminal appeal. The said criminal appeal is registered as Criminal Appeal No.482/2004. It is the submission of Shri Anjan De, learned counsel for the applicant that the Criminal Appeal No.482/2004 is still pending before this Court.

4. His statement is accepted.

5. In view of the aforesaid position, we refrain ourselves from exercising our jurisdiction under Section 482 of the Code of Criminal Procedure.

6. The application is therefore rejected.

7. Pending application(s), if any, stand(s) disposed of.

JUDGE

JUDGE