

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

CRIMINAL APPLICATION (APL) NO.458 OF 2019

Javed Abid Khan alias Chotu Abid Vs. State of Maharashtra and another

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

Court's or Judge's orders.

None for applicant.
Shri S.S. Doifode, APP for non-applicant no.1.

CORAM : V.M. DESHPANDE AND
AMIT B. BORKAR, JJ.
DATE : 22nd MARCH, 2022.

The present application under Section 482 of the Code of Criminal Procedure is filed by the applicant for quashment of the First Information Report No.455 of 2015 dated 17.12.2014 registered with Police Station, Bhandara for the offence punishable under Sections 354(c), (d), 504, and 506 of the Indian Penal Code and under Sections 66(a), 66 (c) and 67 of the Information Technology Act. The another prayer was for stay on the proceedings bearing Regular Criminal Case no.91 of 2015 pending on the file of learned Chief Judicial Magistrate, Bhandara.

2. In the morning session, when the application was called, counsel for the applicant was absent therefore in order to give him one chance the matter was kept in afternoon session. In the afternoon session also counsel for the applicant is absent.

3. Shri S.S. Doifode, learned Additional Public Prosecutor for non-applicant/State submitted that the

applicant himself has stated, in paragraph 16 of present application, that on 05.09.2017 the application of the applicant for discharge was rejected. It would be useful to reproduce the said paragraph :

“16) It is submitted that, the learned trial court on 05.09.2017 rejected the application of the applicant for discharge of the applicant without considering the facts on record, the said order liable to be set aside and quashed, in the interest of justice.”

The order is also placed on record, which is at page no.127.

4. According to learned Additional Public Prosecutor, present application needs to be rejected.

5. We found merit in the statement of the learned Additional Public Prosecutor because the present proceeding is for quashment of First Information Report and much water has flown thereafter. The applicant has filed application for discharge and learned Magistrate has dismissed the said application because according to learned Magistrate there is sufficient ground in the entire charge-sheet to frame the charge against the applicant.

6. In that view of the matter, there is no merit in the application. The application is rejected.

JUDGE

JUDGE

Wagh