

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO.69 OF 2023

SHAIKH MUBIN S/O SHAIKH RAZZAK AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. S. S. Kazi
APP for Respondent : Mr. S. P. Deshmukh
...

CORAM : S. G. MEHARE, J.

DATE : 28-04-2023

PER COURT :-

1. Heard the learned counsel for the applicants and the learned A.P.P. for the respondent.
2. The applicants have impugned the order below Exhibit-20 passed by the learned Additional Sessions Judge, Bhokar, in Sessions Case No.48 of 2020, dated 19.11.2022.
3. The applicants had filed the application for discharge. It has been submitted that if the entire material against the accused is considered, it is not sufficient to proceed with the case and frame the charges against the accused. Hence, they are entitled to discharge.
4. Per contra, the learned A.P.P. would submit that *prima facie* material is there to make out the case against the applicants. The case laws relied upon by the applicants before the learned Sessions Judge were correctly considered. The impugned order is correct and proper.

5. The charges have been levelled against the applicants for the offences punishable under Sections 498A and 306 read with Section 34 of the Indian Penal Code. Whether the case is made out or not, is to be determined on the basis of material produced before the Court. If after having gone through the record and documents placed on record, the Court is satisfied that there are no grounds to frame charges, the Court may discharge the accused. The statements of the witnesses are supporting the allegations. Specific allegations have been levelled against each and every accused. It was a case of matrimonial dispute. The material on record appears sufficient to proceed with the matter against the applicants.

6. Considering the reasons assigned by the learned Additional Sessions Judge in the impugned order, the Court is satisfied there are no grounds to interfere with the impugned order.

7. For the above reasons, revision application stands dismissed.

8. The learned counsel for the applicants requests to grant stay to this order for six months.

9. This was the discharge application. The trial is pending from year 2020. The order rejecting discharge did not affect the right of accused to prove their defence on merit. Hence, this Court thinks that this is not a fit case to stay the present order.

(S. G. MEHARE, J.)