

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

999 CRIMINAL WRIT PETITION NO.658 OF 2023

NILESH NANDKUMAR MANDODE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Petitioner : Mr. Pratik A. Bhosle
APP for Respondent- State : Mr. S.P. Sonpawale
Advocate for Respondent No.2 : Mr. A.S. Jadhav

...

CORAM : R. M. JOSHI, J.
DATE : JULY 19, 2023

PER COURT :

. This petition takes exception to the charge framed by the learned Trial Court in Special Case No.50 of 2023.

2. It is the contention of petitioner / accused that prior to framing of charge he was not given hearing as contemplated by Section 227 of the Code of Criminal Procedure, 1973.

3. Learned APP and learned counsel for informant opposed the said submissions by stating that plea recorded by the trial Court shows that accused was heard prior to framing of charge.

4. There cannot be any dispute about the fact that at all stages of the criminal trial accused is entitled to get fair opportunity. Framing of charge is not just formality and it is necessary for the Trial Court to give hearing to prosecution as well as to accused. In the instant case, if it is the grievance made by petitioner that he was not heard before framing of charge, in that case order of framing of charge deserves to be set aside.

5. Learned counsel for petitioner states that he and petitioner shall appear before the Trial Court on 31.07.2023 and on that day itself he will make his submission with regard to framing of charge.

6. Accordingly, learned Trial Court to hear accused / learned counsel for accused and if Trial Court finds it appropriate to frame charge against the accused, it may do so. In view of the aforesaid direction, petition stands disposed of.

[R. M. JOSHI]
JUDGE

GGP