

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO.474 OF 2021

AJIT LAKHMICHAND BOTHARA
 VERSUS
 THE STATE OF MAHARASHTRA AND ANOTHER

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Mr. Abhaykumar D. Ostwal, Advocate for Appellant
 Mr. S.N. Morampalle, APP for Respondent – State
 Mr. V.D. Hon, Senior Counsel h/f. Mr. A.V. Hon,
 Advocate for Respondent No.2

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CORAM : R. M. JOSHI, J.
DATE : 13th JULY, 2023

PER COURT :

1. At the outset, learned counsel for appellant seeks leave to delete prayer clause 'F'.

2. Leave granted.

3. After hearing learned counsel for both the sides at length when this Court shown its disinclination to grant relief, learned counsel for appellant seeks leave to withdraw appeal.

4. Leave granted. Appeal stands dismissed as withdrawn.

5. Learned Counsel for appellant states that liberty be granted to appellant to agitate issues with regard to applicability of offences against the present appellant at the time of framing of charge.

6. Learned Senior Counsel for respondent no.2 submits that since there is a provision under Code of Criminal Procedure which enables hearing of appellant - accused at the time of framing of the charge, no separate order is required.

7. There cannot be any dispute about fact that accused has right to be heard while framing of charge, hence liberty is granted to appellant to raise issue regarding non applicability of any of the offences against him.

[R. M. JOSHI]
JUDGE

GGP