

Ghuge

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO.1358 OF 2023

Shailendr Alias Banti Suresh Donde ... Petitioner

V/s.

State of Maharashtra ... Respondent

Mr. Amey Deshpande for the petitioner.

Mr. Arfan Sait, APP for the State.

CORAM : AMIT BORKAR, J.

DATED : APRIL 20, 2023

RC.:

1. The petitioner has charged with offence punishable under Section 302 read 34 of the Indian Penal Code, 1860. According to the petitioner, the main accused has been tried by Juvenile Court and unless Juvenile Courts conducted hearing and record a finding against the petitioner cannot be proceeded. The Session Court rejected the application holding that there is no provision under Criminal Procedure Code, 1973 to stay such trial. In absence of statutory right conferred. The petitioner, the petition for enforcement of such right cannot be entertained.

2. The writ petition stands dismissed. No costs.

(AMIT BORKAR, J.)