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

CRIMINAL WRIT PETITION NO.1356 OF 2022

Pravin Padmakar Banavalikar .. Petitioner
v/s.
The State of Maharashtra And Ors. .. Respondents

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Mr. A.P. Mundargi, Senior Advocate, a/w. Mr. Chetan Patil, for the
Petitioner.

Mr. A.R. Patil, APP, for State.

Mr. Pranav Badheka, a/w. Mr. Rohan Mathur, Mr. Siddhant Marathe
and Mr. Rutvij, i/b. Anoma Law Group LLP, for Respondent No.3.

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CORAM: R.G. AVACHAT, J.

DATE : 1 FEBRUARY 2023.

P.C:-

Heard.

2. The challenge in this writ petition is to the order refusing to grant discharge to the Petitioner from offence punishable under Section 406 r/w. 34 of the Indian Penal Code. It is informed that, pending the revision application, the Investigating Officer has submitted a supplementary charge-sheet on 2 February 2019. The learned Magistrate simply received those papers and directed to be forwarded to the Sessions Court seized of the revision application. It is

also informed that the papers of the supplementary charge-sheet were not before the learned Additional Sessions Judge, who has decided the revision application against the order rejecting discharge. The papers in supplementary charge-sheet may have bearing on the fate of the application for discharge.

3. In view of the same, the matter needs to be sent back to the trial court with a direction to decide the discharge application afresh, after taking into consideration all the papers of investigation, including the papers in supplementary charge-sheet. The discharge application is expected to be decided within a time-frame of eight months from the date of receipt of copy of this order. The trial court had granted discharge from offence punishable under Section 420 of IPC. The revisional court affirmed the said order. State did not take exception to the order granting discharge from offence under Section 420 r/w. 34 IPC. The learned Magistrate would be at liberty to take into consideration all the papers of supplementary charge-sheet to find whether an offence punishable under Section 420 of IPC is made out. The trial court is, however, precluded to refer and rely on any of the papers of first charge-sheet, so as to make out the case of offence/s of which the Petitioner has been discharged.

4. Petition stands disposed of.

(R.G. AVACHAT, J.)