



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2883 OF 2023

Anand Suresh Doshi & Ors.

... Petitioners

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr. Avinash B. Patil for Petitioners.

Mrs.M.H. Mhatre, A.P.P. for Respondent No.1-State.

CORAM : A. S. GADKARI AND
SHARMILA U. DESHMUKH, JJ.

DATE : 21st August 2023.

P.C. :

1. Record indicates that, the Petitioners have already filed an application for discharge under Section 239 of Criminal Procedure Code (Cr.PC.) before the Trial Court in Sessions Case No. 33 of 2018 and the same is pending for final adjudication since 6th June 2019.

2. In view of the principles enunciated by the Hon'ble Supreme Court in the case of *B.M.R.D.A. Vs. Gokak Patel Volkart, reported in 1995 SCC (1) 642*, present Petition is not maintainable.

3. Petition is accordingly disposed off by reserving the remedy in favour of Petitioners to pursue their application for discharge filed before the Trial Court.

As the application for discharge preferred by the Petitioner is pending on the file of Trial Court since 6th June 2019, we direct the concerned Court to expedite the hearing of the same and to conclude it within a period of three months from the date of receipt of present Order.

4. It is needless to mention that, all the contentions of both the parties are kept open.

[SHARMILA U. DESHMUKH, J.]

[A.S. GADKARI, J.]