

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

CRIMINAL WRIT PETITION NO. 4114 OF 2022

Harry Dhaul and anr. ... Petitioners
v/s.
The State of Maharashtra and anr. Respondents

Mr. Shekhar Jagtap a/w. Sairuchita Chowdhary and
Ms. Rhea Francis i/b. J. Shekhar and Co. for the Petitioners.
Mr. A.R. Patil, APP for the State.
Mr. Siddharth Ronghe for Respondent No.2.

CORAM: R.G. AVACHAT, J.

DATED : 08th FEBRUARY, 2023.

P. C. :-

. Heard learned counsel for the respective parties.

2. The challenge in this Writ Petition is to the order passed by the learned Judicial Magistrate First Class, Pune in R.C.C. No.2823/2018 refusing to set-aside the order of issuance of process.

3. It is the case instituted otherwise on a police report. The process has been issued for the offences punishable under sections 468, 471, 406, 418, 420, 120-B of the Indian Penal Code. As such, Part B of Chapter XIX of the Code of Criminal Procedure is applicable for trial of such cases.

4. Section 245(2) of the Code of Criminal Procedure reads thus :-

“ 2) Nothing in this section shall be deemed to prevent a Magistrate from discharging the accused at any previous stage of the case if, for reasons to be recorded by such Magistrate, he considers the charge to be groundless. ”

5. On hearing the learned advocate for the Petitioner at length, the Court asked the parties whether they would take recourse to section 245(2) of Cr.P.C. Learned advocate for the Petitioner agreed. He has made a statement that application in that regard will be made before the trial court on or before the next date which is 03rd March, 2023.

6. If such an application is made, the learned Magistrate shall decide the same on its own merits within the time frame of six months from the date of making of such application. Till the decision on such application, the accused are exempted from personal appearance before the trial court. All contentions are kept open.

7. Writ Petition stands disposed of in above terms.

PREETI
H JAYANI

(R.G. AVACHAT, J.)