

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

CRIMINAL APPLICATION (APL) NO. 357 OF 2023

Rohit s/o Rajendra Khandelwal

Vs.

State of Maharashtra, Thru. PSO, PS Kotwali, Nagpur and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. S.P. Sonwane, Advocate for applicant.
Mr. V.A. Thakare, APP for non-applicant No.1/State.

**CORAM : VINAY JOSHI, AND
BHARAT P. DESHPANDE, JJ.**

DATE : 06.03.2023.

Heard.

2. This is an application under Section 482 of the Code of Criminal Procedure.

3. The applicant is a friend of accused No.1 – Swapnesh.

4. A compliant was filed by non-applicant No.2 and on that basis, FIR No.355/2022, registered with Police Station Kotwali, Nagpur, for the offence punishable under Sections 376, 376(2)(n), 313, 34 of the Indian Penal Code and Section 3(1)(w)(ii) of

the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

5. It is stated that the charge-sheet is already filed, however, till date charges are not framed.

6. Learned counsel for the applicant submits that there is nothing against the applicant as far as said charge-sheet is concerned.

7. Since, the charge-sheet is already filed, the applicant is at liberty to approach the trial Court, for filing application for discharge.

8. At this stage, we are not inclined to consider the statements of the witnesses appended to the charge-sheet. The applicant is free to move the trial Court in order to consider whether there is any material to frame charge against the applicant.

9. With this liberty, we allow the applicant to withdraw the present petition. We make it clear that all contentions raised in the present petition are kept open.

10. If the application is filed for discharge, the same shall be disposed of as early as possible within a period of three months from the date of filing.

11. The application stands disposed of, since withdrawn.

JUDGE

JUDGE