



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL REVISION APPLICATION NO. 239 OF 2024

PRAJAKTA D/O BALASAHEB ARANE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Sunil Govindrao Magre
APP for Respondent : Mr. S. P. Sonpawale
...

CORAM : S. G. MEHARE, J.
DATE : 06-09-2024

PER COURT :-

1. Heard the learned counsel for the applicant.
2. The applicant is facing trial for the offences punishable under Section 498A, 323, 504 and 506 read with Section 34 of the Indian Penal Code. The case was stale. In the meantime, the applicant completed education and selected as Assistant Public Prosecutor.
3. The applicant has applied to the trial Court for discharge. Since she was selected as Assistant Public Prosecutor, she had filed an application under Section 482 of the Code of Criminal Procedure to this Court. However, it was dismissed for default and the application for restoring that petition has also been dismissed. The trial was pending since 2017.

4. The learned Magistrate has rejected the discharge application. The remedy was revision before the Sessions Court. However, the applicant approached this Court contending that this Court has concurrent powers. I am of the view that concurrent powers should be exercised sparingly. The rule is that the trial was commenced in the Court of first instance. The applicant is simply seeking discharge. It is a question of legality and not violation of the fundamental right. Therefore also, it would not be appropriate to entertain the petition before this Court directly.

5. Hence, the criminal revision application stands dismissed with liberty to file revision application before the Sessions Court.

6. Considering the future of the applicant, the learned Sessions Court is requested to decide her petition within a month or before it from the date of its presentation.

7. In above terms, the petition stands dismissed.

(S. G. MEHARE)
JUDGE

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