



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

912 CRIMINAL WRIT PETITION NO. 1701 OF 2019

- 1] Aurangabad Automotive Pressings [P] Lt.
M-1, MIDC, Waluj, Aurangabad.
- 2] Sirvenderpal Singh Sehgal
- 3] Nalvinder Singh Sehgal
- 4] Malvinder Singh Sehgal. **.. PETITIONERS**

VERSUS

- 1] Bajaj Auto Limited.
- 2] The State of Maharashtra. **.. RESPONDENTS**

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Advocate for the petitioners : Mr.B.N.Magar
APP for Respondent-State : Adv.R.R.Tandale
Advocate for Respondent no.1 : Mr.D.L.Vakil

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CORAM : SHIVKUMAR DIGE, J.

DATE : 26.07.2024

P.C. :

1] Heard the learned counsel for the petitioners and the learned counsel for the respondent no.1.

2] The learned counsel for the petitioners submits that the petitioners have challenged the order of framing of charge. The learned counsel for the petitioners further submitted that yet the charge is not framed but the Judicial

Magistrate First Class, Aurangabad has passed the order that the charge is to be framed. The respondent no.1 is under cross examination. The learned counsel for the petitioners submitted that the petitioners be given liberty to file fresh application after taking cross examination of the respondent no.1 and by putting the case of the petitioners to respondent no.1 in cross examination.

3] The learned counsel for the respondent no.1 submits that the Sessions Court, in its order, has observed that yet the charge has not been framed against the petitioners and before framing the charge, the petitioners can put their case before the trial Court. The learned counsel for the respondent no.1 further submitted that the Judicial Magistrate First Class and Sessions Court Aurangabad have passed the well reasoned order, hence, requested to dismiss the writ petition.

4] I have heard both learned counsel. Admittedly, the charge is not framed against the petitioners by the learned Judicial Magistrate First Class, Aurangabad. The respondent no.1, who is the complainant, in private complaint is under cross examination. Yet cross examination is not over. The petitioners can put their case in cross examination and after cross examination the petitioners may file fresh application for discharge before the Judicial Magistrate First Class. The Judicial Magistrate

First Class shall decide the said application on its own merit.

5] The Writ Petition is disposed of in above terms.

[SHIVKUMAR DIGE]
JUDGE

DDC