

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

**CRIMINAL REVISION APPLICATION NO. 548 OF 2017**

Kausar Yunus Shaikh ... Applicant  
Versus ... Respondents  
State of Maharashtra & Anr.

None for the Applicant.  
Mr. H. J. Dedhia, APP for the Respondent-State.  
Mr. D. G. Chavan, PSI, Nagpada Police Station present.

**CORAM : S. M. MODAK, J.**

**DATED : 8<sup>TH</sup> JANUARY, 2024**

**P.C.:**

1. Heard learned APP.
2. The Court of Additional Sessions Judge vide order dated 20<sup>th</sup> July, 2017 was pleased to refuse the prayer for discharge of the present Applicant in toto. The Applicant was discharged for the offence punishable u/s. 328 of IPC and u/s 66 (E) of the IT Act, whereas the matter is fixed for framing of charge u/s. 376 & 506 of IPC. The legality of the said order is challenged.
3. On 30<sup>th</sup> November, 2023 no one was present on behalf of the Applicant and that is why it was directed to dismiss the Application without reference to the Court, if no one will appear on the next date on i.e 8<sup>th</sup> January, 2024. Today also no one is present. I have perused the impugned order at page no. 24.
4. Learned APP submitted that Adv. Jitendra Patil who used to

represent the Applicant/Original Complainant has expired during the Covid period.

5. Officer from Nagpada Police Station is present. On taking instructions, learned APP also submitted that in fact now the matter is part heard before the Trial Court and four witnesses including the First Informant – Kausar Yunus Shaikh is examined as P.W. No. 1. Once the charge is framed and the matter is part heard, there is no point in hearing the Revision filed by the First Informant thereby challenging the part discharge. It is true that the evidence can be adduced only to prove the offences for which the accused is charged. However, during the Trial, if the evidence is adduced, which will justify the framing of charge for additional offences, at the most the prosecution or the First Informant is at liberty to request the Trial Court for framing of additional charges

6. With these observations Revision is disposed of.

**(S. M. MODAK, J.)**