

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.92 OF 2024

Ashim Deb & Anr.	...Applicants
vs.	
The State of Maharashtra & Ors.	...Respondents

Mr. Ashim Deb, Applicant No.1 in person.
Mr. V.A. Kulkarni, APP for Respondent – State.
PSI V.S. Labhade, Panvel City Police Station.

CORAM : S. M. MODAK, J.
DATE : 16th FEBRUARY 2024

P. C. :-

1. Heard Applicant No.1 in person. He is one of the accused in a charge-sheet filed in an offence registered with Panvel City Police Station. Copy of the FIR is annexed at page 38 and copy of final report is annexed at page 44. However, other police papers filed along with charge sheet are not annexed.
2. Applicant No.1 contend that he is appearing in person in number of matters filed in this Court and he is already having certificate. On the next date, let him produce copy of that certificate.
3. Applicant No.2 is other co-accused. She is not present. It is

claimed that she is doing LL.B. Be that it may, if she want to plead her case, there are two options available before her. They are :-

- (a) Either she can engage an Advocate or
- (b) She can plead her case only after obtaining certificate.

Let the Applicant No.1 to communicate this to Applicant No.2.

4. Now, it is submitted that he has appeared before the Committee but certificate is not issued to him. In that eventuality, he may produce copy of the order passed in those matters in which the concerned Court has recorded his submission in person.

5. Additionally, let Registry to verify whether the Applicant No.1 is certified by them to plead his own case. Copy be sent to him.

6. He has filed application for discharge at Exh.27 (page 55). Learned trial Judge has rejected his application as per the order dated 13th December 2023 (page 76 and 77). The legality of the said order is challenged by way of this Revision.

7. Representative from Panvel City Police Station is present. However, learned APP submitted that even he has not brought the investigation papers. As one of the contention raised by the Applicant No.1 is first informant has not produced the caste certificate, learned

APP to take instructions from the concerned police till next date.

8. Additionally, the Applicant No.1 made a submission that discharge application was rejected without hearing him, he submitted that he has filed one more petition against the concerned Judge before the Division Bench. **If the Applicant No.1 wants he may produce those papers.**

9. Let Applicant No.1 to comply with above directions. Even Applicant No.1 can file all the necessary documents annexed to the charge sheet. Respondent No.2 is first informant. **Let notice be issued to her returnable on 20th March 2024. Local police are at liberty to give her intimation.**

10. Applicant No.1 to file necessary papers for the purpose of service of notice on Respondent No.2 within one week from today.

11. **Once those papers are filed then notice be issued to her.**

[S. M. MODAK, J.]