

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

CRIMINAL REVISION APPLICATION NO. 270 OF 2024

Mohit Bharatiya @ Mohit Kumboj ...Applicant

vs.

The State of Maharashtra ...Respondent

Mr. Faiz Merchant a/w. Mr. Faisal Shaikh :-	Advocates for Applicant.
Mr. A. S. Gawai :-	APP for Respondent-State.

CORAM : S. M. MODAK, J.

DATE : 26th JULY 2024

P. C. :-

1. Heard learned Advocate for Applicant. Learned APP Ms. Phad who is prosecuting this matter is not available. The present Applicant is charge sheeted in two crimes. Both offences are registered at L. T. Marg Police Station on 15th December 2009. The details are as under :-

- (i) **FIR No.2 of 2009** dated 15th December 2009 registered at L. T. Marg Police Station under Section 52 r/w. Section 43 of Maharashtra Regional and Town Planning Act, 1966 [MRTP Act]. (information received at 14:00 Hrs.)

- (ii) **FIR No.234 of 2009** registered under Section 353 and the time of registration is 20:05 Hrs. (information received at 18:15 Hrs.) (Page-35).

2. The first informant from both the FIR are part and parcel of the team of Municipal Corporation Greater Mumbai officials. The Applicant is acquitted for an offence punishable under Section 52 of MRTP Act by the Court of Metropolitan Magistrate on 20th January 2016. Initially charge-sheet for an offence punishable under Section 353 of IPC was filed before the Court of Metropolitan Magistrate. Now the case is committed to the Court of Sessions Judge.

3. The Applicant applied for discharge but it was rejected on 7th March 2024. Now case is fixed for framing of charge on 30th July 2024.

4. Various contentions are raised and one of them is if one incident includes two offences, may be under different Acts, there has to be one FIR. Reliance is placed on observations in following judgments :-

- (i) Amish Devgan vs. Union of India and others¹.
 (ii) T. T. Antony vs. State of Kerala and others².

¹ 2020 SCC OnLine SC 994.

² (2001) 6 SCC 181.

(iii) Arnab Ranjan Goswami vs. Union of India and others³.

5. The Applicant has to be granted some protection. Hence stand over to **26th August 2024**. Till that time the trial Court need not proceed with framing of charge. The Applicant may file exemption Application.

[S. M. MODAK, J.]

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3 2020 SCC OnLine SC 462.