



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION NO. 87 OF 2024

Pushpendrakumar Kesarilaji Sharma -Vs- State of Maharashtra

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. H.R.Gadhia, counsel for the applicant.
Mr.M.J.Khan, A.P.P for non-applicant -State.

CORAM VINAY JOSHI &
MRS. VRUSHALI V.JOSHI, JJ.

DATE : 16th January 2024.

1. Heard.
2. This is an application seeking to quash the direction issued by the Magistrate dated 28.01.2016 while concluding RCC No. 830 of 2009 about filing of separate charge-sheet against the applicant.
3. Initially, FIR was registered against total three accused. The applicant (accused No.1) appeared in the trial, furnished the bail, however, the trial court found him to be absconder. Hence, the case was separated. The evidence was recorded and ultimately remaining two accused have been acquitted. The Trial Court while disposing the case, directed the police to file separate charge-sheet.
4. It is the applicants contention that there is no specific order of separation of trial nor he was declared

as an absconder. Moreover, it is pointed out that all material witnesses turned hostile and thus, there is no purpose in directing the applicant to again go on with the trial.

5. It is informed that though such a direction was issued, in the year 2016 till date no charge-sheet has been filed. According to the applicant, his fundamental rights have been violated by keeping the position hanging for last eight year. In the above peculiar facts, no coercive steps shall be taken till the next date.

6. Issue notice to the non-applicant for final disposal, returnable after four weeks.

7. Learned APP waives service of notice for non-applicant -State

JUDGE

JUDGE