



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

CRIMINAL APPLICATION (APL) NO. 195 OF 2024

Jagdish Gulchand Dongre and ors. -Vs-State of Maharashtra and one.

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

Court's or Judge's Orders.

Mr.A.B.Mirza counsel for the applicants.
Mr.M.J.Khan, A.P.P for non-applicant State.

**CORAM VINAY JOSHI &
 MRS. VRUSHALI V.JOSHI, JJ.
DATE : 5th FEBRUARY, 2024.**

1. Heard.
2. It reveals that though charge-sheet has been filed in the year 2016, after lapse of seven years, the applicants have come before this Court with a urge to invoke inherent powers vested in terms of Section 482 of the Code.
3. It reveals from the note-sheet that the matter is pending before the trial Court for hearing on the point of framing of charge. Section 239 coupled with Section 240 of the Code empowers the trial Court to assess the material to see whether sufficient grounds are made out by prosecution to proceed further. In the scenario, the applicants shall apply for discharge in the trial court.
4. Since, after eight years, the charge-sheet is sought to be quashed, we are not inclined to invoke our jurisdiction, unless the remedy of seeking the discharge

has been exhausted. In view of above, application stands disposed of with liberty to the applicants to apply for discharge if not already applied.

5. We make it clear that we have not examined the merits of the applicant's claim for discharge which exercise shall be done by trial Court if applicant applies for discharge. The application stands disposed of with liberty to approach this Court, if discharge application has been rejected.

JUDGE

JUDGE