



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

CRI.APPLN. (APL) NO. 1237 OF 2024

Saurabh Sharad Wasule

-Vs.-

State of Maharashtra and another

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

Mr.Akshay Naik, Sr.Adv.i/b Mr.Atharva S.Manohar,Adv.for the
applicant.

Mr. V.A.Thakre, APP for the respondents-State.

**CORAM : AVINASH G. GHAROTE &
SMT.M.S.JAWALKAR, JJ.**

DATE : 2ND SEPTEMBER, 2024

The application raises a limited grievance that in spite of exemption being granted for personal appearance to the applicant-accused on 06/07/2024, as is indicated by the *roznama* dated 06/07/2024 (Pg.47) and the plea that the applicant's counsel was present on number of times, the application for discharge under section 227 of the Code of Criminal Procedure has been filed by the order dated 06/07/2024 (Pg.49). The learned Senior Counsel for the applicant submits that the counsel representing the applicant is willing to argue the matter on any date, which may be fixed by this Court.

2. The learned APP supports the impugned order contending, that on number of occasions the applicant and his counsel were absent. The copy of the order-sheet has been placed on record and the application under section

227 of the Cr.P.C. has been filed on 02/09/2021 at Exh.3. Perusal of the order-sheet would indicate that thereafter on number of occasions the counsel for the applicant has remained present, however, the record does not indicate that there was any avoidance on the part of the applicant's counsel to address the Court on the application, that being the position, the impugned order date 06/07/2024 is hereby quashed and set aside and the matter is remitted back to the learned *Ad hoc* District Judge-8 and Additional Sessions Judge, Nagpur to hear and decide the application. The learned Senior Counsel for the applicant undertakes to appear before the learned Court on 09/09/2024, and not to seek any adjournment at all on any count. The application is therefore allowed by directing the learned counsel for the applicant to address the Court on Exh.3 on 09/09/2024 without fail and a request to the learned Court to decide the same as early as possible and in any case within a period of 30 days from 09/09/2024. The application is accordingly disposed of.

(SMT.M.S.JAWALKAR,J) (AVINASH G. GHAROTE, J)