



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

CRIMINAL APPLICATION (APL) NO.1255 OF 2024
(Rohit s/o Charandas Bommawar Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. T. Deshpande, Advocate for the applicant.
Mrs. M.A. Barabde, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- SEPTEMBER 3, 2024.

Heard.

2. By this application, the applicant has challenged the order passed by the Chief Judicial Magistrate, Gadchiroli in Regular Criminal Case No.17/2016 dated 23/10/2023 rejecting the application filed for the discharge as well as the order dated 22/07/2024 passed by the Sessions Judge, Gadchiroli in Criminal Revision No.39/2023.

3. Learned Counsel for the applicant pointed out para No.6 of the order of the Chief Judicial Magistrate and submitted that the petitioner is held liable only because he is the President of the Society. In fact, the entire material nowhere shows his involvement in the said crime but merely because he is a President of the Society it is observed that the primary responsibility of the President of the society and on assumptions it is held that the primary responsibility of the President of society and his

involvement cannot be ruled out. He submitted that now the trial Court will frame the charge at any time against the present applicant. If charge is framed the entire application would become infructuous. He prays for stay to the proceeding before the trial Court.

4. Learned APP strongly opposed the said prayer on the ground that the order passed by the Chief Judicial Magistrate is on 23/10/2023 whereas the Sessions Court has passed order on 22/07/2024. Now hurriedly this matter is circulated to obtain the order from the Court, there is no such urgency. In view of that, the prayer deserves to be rejected.

5. I have heard learned Counsel for both the parties. Perused the impugned judgment as well as the impugned order passed by the Chief Judicial Magistrate. The trial is fixed for framing of the charge on 06/09/2024.

6. Issue notice to the respondent, returnable after one week.

7. Learned APP waives notice for the State and seeks time to file reply.

8. Considering the entire controversy raised in the present application and considering the impugned order, the time is to be granted to the learned APP to file reply.

9. In the meantime, the trial Court shall not pass any adverse order till 13/09/2024.

10. The matter be placed before the appropriate Bench after one week.

(URMILA JOSHI-PHALKE, J.)

**Divya*