



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

CRIMINAL APPLICATION [APL] NO. 1503 OF 2024

SUBODH CHANDDAYAL BHANDARI

VERSUS

STATE OF MAH., THRU. P.S.O., P.S., CITY KOTWALI, AMRAVATI

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

Court's or Judge's Order

Mr. R. R. Vyas, Advocate for the applicant.
Mr. S. B. Bissa, A.P.P. for the non-applicant/State.

CORAM : G. A. SANAP, J.

DATE : OCTOBER 15, 2024.

1. Heard Mr. R.R. Vyas, learned advocate for the applicant.
2. In this application, the applicant, who is accused no.22, has challenged the charge (Exh.1088/C)/order framing charge, dated 01.07.2024, passed by learned Chief Judicial Magistrate, Amravati, in Regular Criminal Case No. 847/2002.
3. It is submitted that before framing of the charge, the appellant was not granted an opportunity of hearing. It is submitted that on 01.07.2024, the charge had not been framed against all the accused. The charge had been framed in piecemeal manner. It is pointed out that even while framing the charge in piecemeal manner, the mandatory procedure of recording of pleas of the accused has not been followed.

4. It is further submitted that a civil suit filed by the Amravati Peoples Co-operative Bank Ltd. (for short “**the Bank**”) for recovery of the money, was dismissed on 25.01.2010. The appeal filed against the said judgment and decree dated 25.01.2010 has also been partly allowed by the High Court and some of the defendants had been directed to pay the money. However, it is pointed out that neither M/s Home Trade Ltd. nor its Directors have been directed to pay any money to the bank. It is the case of the applicant that there is no privity of contract between M/s Home Trade Ltd. and the Bank. M/s Home Trade Ltd. had privity of contract with M/s Giltedge Management Services. There was privity of contract between the Bank and M/s Giltedge Management Services. It is submitted that the learned Judge has failed to consider the entire material before framing the charge. In short, it is submitted that no case has been made out to warrant framing of charge against the applicant, who is accused no.22.

5. Perusal of the application would show that number of grounds have been set out in the application to challenge the charge/order framing the charge. In my view, in the backdrop of the facts brought to the notice of this Court, it is necessary to hear this matter on merits.

6. Accordingly, issue notice to the non-applicant/State.

7. Learned Additional Public Prosecutor waives service of notice on behalf of the non-applicant/State.

8. Learned advocate for the applicant submits that now the matter is posted for evidence on 17.10.2024. He submits that in view of the peculiar facts of this case, framing of charge against the petitioner is not warranted. He prays for stay to the proceedings.

9. Learned APP seeks time to take instruction sand file reply.

10. Two weeks time is granted to file reply.

11. In the meantime, there shall be stay to the proceedings of Regular Criminal Case No. 847/2002, pending before the Chief Judicial Magistrate, Amravati.

12. Stand over after two weeks.

(G. A. SANAP, J.)

Diwale