



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 348 OF 2025

CHANDRAKALA W/O ISHWAR BHUSARE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for the Petitioners : Mr. H. V. Patil
APP for Respondent-State : Ms. S. S. Joshi
Advocate for Respondent No. 2 : Mr. S. S. Panale
...

CORAM : SACHIN S. DESHMUKH, J.

Dated : September 8, 2025

PER COURT :-

1. The petitioners are prosecuted for the offences punishable under Sections 420, 406, 467, 468 and 504 read with 34 of the Indian Penal Code in Regular Criminal Case No. 193 of 2024. Crime No. 448 of 2023 was registered against the present petitioners and in connection with the same, the investigation is completed and charge-sheet is filed. Thus, the allegations in the FIR upon completion of investigation, has culminated into filing of charge-sheet against the accused / present petitioners.

2. In charge-sheet, there are statements of certain witnesses indicating the role of the present petitioners whereas some of the witnesses do not indicate any role of the petitioners.

It is in the aforesaid backdrop, the petitioners approached the learned Judicial Magistrate First Class, Ahmedpur, seeking discharge under Section 239 of the Code of Criminal Procedure from the offences charged against the petitioners. The Magistrate, considering the apparent implications of the petitioners rejected the application for discharge.

3. Raising an exception to the order rendered by the learned Magistrate, further challenge was raised before the Additional Sessions Court, Ahmedpur in Criminal Revision Application No. 14 of 2024 which is rejected endorsing the order of the learned Magistrate. Aggrieved with same, petitioners have approached this Court under Article 227 of the Constitution of India.

4. Heard learned counsel for petitioners, learned counsel for respondent No. 2 and the learned APP for State.

5. Perusal of the charge-sheet unequivocally indicates and establishes that the present petitioners are named by prosecution witnesses specifying the role in the statements recorded by the Investigating Officer. As such, the initiation of prosecution cannot

be regarded as groundless. Considering the same, the learned Magistrate has rejected the application and further the same is endorsed by the Revisional Court.

6. The learned counsel for the petitioners attempted to invite the attention of this Court towards the statements of witnesses recorded by the Investigating Officer those who do not implicate the present petitioners. However, the same does not warrant any consideration at this stage since the initiation of prosecution cannot be regarded as groundless. In view of the fact that some of the prosecution witnesses have specifically named the petitioners herein, then the prosecution against petitioners is based on the statements of witnesses recorded by the Investigating Officer indicating and establishing *prima facie* involvement of the present petitioners.

7. Thus, the Courts below have considered material i.e. charge-sheet and statements of prosecution witnesses. In the backdrop of allegations made against the petitioners, the Courts below have rightly rejected the application presented by the petitioners seeking discharge from the prosecution. Thus, the orders passed by the Courts below does not warrant any

interference in the petition presented under Article 227 of the Constitution of India. No case is made out by the petitioners. As such, this Court is not inclined to interfere in the orders passed by both the Courts below.

8. Resultantly, writ petition deserves to be dismissed and accordingly, the same stands **dismissed**.

(SACHIN S. DESHMUKH, J.)

Omkar Joshi