



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

19 CRIMINAL APPLICATION NO. 4473 OF 2023

Anil Nagorao Abmerao and others

VERSUS

The State of Maharashtra and another

...

Advocate for Applicant : Mr. Shaikh Tarek Mobin H.

APP for Respondent No.1: Mr. S.A. Gaikwad

.....

**CORAM : SMT. VIBHA KANKANWADI AND
SANJAY A. DESHMUKH, JJ.**

DATED : 3rd JULY, 2025

PER COURT :-

1. After hearing learned advocate for the applicants for some time, when the disinclination is shown, upon the instructions from the applicants, learned advocate for the applicants prays for withdrawal of the application.

2. It appears that the charge is yet to be framed and at this stage we can observe that all sections under which the charge sheet has been filed may not be applicable to each and every accused but that can be sorted out by the learned Magistrate at the time of framing of charge and therefore, liberty is given to the applicants to make submissions in respect of which sections are not applicable to them. In short, learned Magistrate should adhere to the stage under Section 240 of Cr.P.C. As per section 240 of Cr.P.C. it is mandatory

for the Magistrate to hear the accused before framing charge, as the wordings of the Section starts if, upon such consideration, examination, if any, **and hearing**, the Magistrate is of opinion that there is ground for presuming that the accused has committed an offences triable under this Chapter, which such Magistrate is competent to try and which, in his opinion, could be adequately punished by him, he shall frame in writing a charge against the accused.

3. Therefore, with the aforesaid liberty, this application stands dismissed of as withdrawn.

(SANJAY A. DESHMUKH, J.)

(SMT. VIBHA KANKANWADI, J.)

rlj/