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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

45 CRIMINAL APPLICATION NO. 1228 OF 2024
IN
CRIMINAL APPLICATION NO. 878 OF 2019

Rajesh Pandharinath Bhambare and others

VERSUS

The State of Maharashtra and another

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Advocate for Applicant : Mr. Rishabh M. Patil h/f Mr. Satej S. Jadhav
APP for Respondent No.1: Mr. A.D. Wange

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

DATED : 25th APRIL, 2025

PER COURT :-

1. The present application has been filed for recalling of order dated 14.02.2024, passed by this Court in criminal application No. 878 of 2019, thereby the said application came to be dismissed automatically in view of not carrying out the amendment and annexing the copy of charge sheet, within four weeks.

2. Heard learned advocate for the applicants and learned A.P.P. for respondent No.1. No necessity to issue notice to respondent No.2.

3. Perusal of the record of criminal application No. 878 of 2019, would show that by order dated 02.05.2019, the learned advocate for the applicants sought time for producing copy of charge sheet. Thereafter, on 21.6.2019 permission was granted to him to amend in view of filing of charge sheet and also to produce the papers. Since

then till 14.02.2024 i.e. almost for five years, the applicants have dragged the matter and had not carried out the amendment and not produced the copy of charge sheet. Therefore, the said conditional order came to be passed and on that day also, time of four weeks was granted. Still, the applicants failed to carryout the amendment and place copy of the charge sheet on record.

4. In the present application, contrary statements appears to have been made with no details. In paragraph 3, it is stated that inadvertently, the applicants could not provide copy of the charge sheet within stipulated period. Now for almost six years period, one sentence has been made. In paragraph 4 then it is stated that it was completely a fault on the part of advocate appearing for the applicants that he could not supply copy of the charge sheet in time. Now unless the applicants provide copy to the advocate, the advocate could not produce it. For such vague reason, the application cannot be restored. Further it appears that, as per the enquiry from learned A.P.P., the matter is now posted for framing of charge. That means, even before the learned trial court, the applicants have successfully dragged the matter. No equitable relief can be given to such applicants. Therefore, the application stands rejected.

(SANJAY A. DESHMUKH, J.)

(SMT. VIBHA KANKANWADI, J.)

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