



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

57 CRIMINAL APPLICATION NO.4716 OF 2024

VARDHAMAN RAJENDRA LALWANI AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Mrs. Rani Bharuka (Bora), Advocate h/f Mr. S.S. Bora, Advocate for
applicants

Mr. S.A. Gaikwad, APP for respondent No.1

Mr. A.S. More, Advocate for respondent No.2

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CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, JJ.

DATE : 15th SEPTEMBER, 2025

ORDER :

. Learned Advocate for applicants as well as learned APP for respondent No.1 submit that trial Court i.e. learned Additional Chief Judicial Magistrate, Ahmednagar (Court No.5) has passed two orders on 26.08.2025 below Exh.1 in Regular Criminal Case No.1034/2024. In the first order it has been taken on record that on the oral request of learned APP the evidence of prosecution should be treated as closed and thereafter following order is passed -

“Perused the evidence on behalf of prosecution, there is nothing incriminating against the accused Nos.1 to 5. Hence, statement of the accused Nos.1 to 5 under Section 313 of the Code of Criminal Procedure is dispensed with.”

The case before learned Additional Chief Judicial Magistrate was a warrant trial case. Under such circumstance, we are surprised to note the above order. The question is, in spite of the decision by Hon'ble Supreme Court, whether in a warrant trial case a Magistrate can dispense with the statement of accused under Section 313 of the Code of Criminal Procedure ? We would hear the parties in detail and learned Advocate for applicants also states that there is a compromise in the matter. Respondent No.2 is stated to have filed the affidavit on record. Learned Advocate for applicants also submits that he would file an application for recall of order dated 03.12.2024, wherein the application was withdrawn as against applicant Nos.1 to 3. Therefore, taking into consideration the fact that all these matters are seized before this Court, we stay the further proceedings in Regular Criminal Case No.1034/2024 pending before learned Additional Chief Judicial Magistrate, Ahmednagar (Court No.5).

2 Place the matter for further consideration on **03.10.2025**.

3 Applicants are permitted to carry out the amendment in view of

decision in **Pradnya Pranjali Kulkarni vs. The State of Maharashtra and another** in Petition(s) for Special Leave to Appeal (Cri.) No.13424 of 2025 decided by the Hon'ble Supreme Court on 03.09.2025, as well as file the application, if advised.

4 Learned Advocate for applicants submits that in the meantime charge sheet is filed and, therefore, she seeks leave to amend the application as well as to file copy of charge sheet on record.

5 Leave is granted. Amendment to be carried out within a period of two weeks. Copy of amended application and copy of charge sheet be placed on record as well as be given to other side, in advance.

(HITEN S. VENEGAVKAR, J.)

(SMT. VIBHA KANKANWADI, J.)

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