

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.3007 OF 2024
IN
WRIT PETITION NO.4273 OF 2018

Bharat Bhoir and Anr. .. Applicants

IN THE MATTER BETWEEN :

Bharat Bhoir and Anr. .. Petitioners

Vs.

Tehsildar and Executive Magistrate – Thane
And. Ors. .. Respondents

.....
Mr.Raj Kumar Awasthi a/w. Pragya Mishra, Advocate for the
Applicants/Petitioners.

Mrs.Sharmila Kaushik, APP for the Respondent–State.

PSI S.A. Sawale, Sheel Dayghar Police Station, present.
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**CORAM : BHARATI DANGRE (THROUGH VC) &
MANJUSHA DESHPANDE, JJ.**

DATE : 22nd AUGUST 2025.

P.C. :

The Petitioner has filed the present Application seeking review of the orders passed by this Court on 2nd July, 2024. The Writ Petition was filed by the Petitioners who are arraigned as accused in CR No.I–156 of 2018, registered with Shil Diaghar Police Station which has invoked Sections 377 and 381 of the Indian Penal Code on the complaint filed by one Rajan Gaikwad.

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2. While refusing to entertain the Writ Petition, this Court has observed we

are not inclined to exercise our jurisdiction under Articles 226 and 227 of the Constitution of India and has refused to quash the complaint filed against the Petitioner. It is also observed that the interim order which was granted, earlier stands vacated and the Investigating Officer was directed to file the charge-sheet within a period of two weeks from the date of the order.

3. The Writ Petition was disposed of on 2nd July, 2024, and, today the learned APP informs that the charge-sheet has been filed on 16th July, 2024. Therefore, considering that the charge-sheet is already filed in the matter, the remedy to move for discharge is available with the Petitioner. In so far as the order under challenge in the Writ Petition and the Application for discharge is concerned scope of both the proceedings is different. Hence, the Petitioner is at liberty to take further steps.

4. Interim Application is, accordingly, dismissed as not maintainable.

[MANJUSHA DESHPANDE, J.]

[BHARATI DANGRE, J.]