

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.3196 OF 2025

Chandrakant C. Shah

...Petitioner

Versus

State of Maharashtra & Anr.

...Respondents

Mr. Chandrakant C. Shah, Petitioner, in-person.

Mr. D. J. Haldankar, APP for the Respondent-State.

Mr. Kartik Garg, Amicus Curiae.

Mr.Dnyaneshwar Ladse, PSI, Mulund Police Station, Mumbai, present.

CORAM: MADHAV J. JAMDAR, J.

DATED: 23rd JUNE 2025

P.C.:

- 1.** The Petitioner is appearing in-person.
- 2.** The challenge in this Writ Petition is to the order dated 5th June, 2023 passed by the learned Metropolitan Magistrate, 27th Court, Mulund, Mumbai framing charge against the Petitioner who is Accused No.1 and Accused No.2-Radhika Ulhas Shenoi.
- 3.** It is the contention of the Petitioner that by order dated 4th June, 2016 charge under Section 498A of Indian Penal Code, 1860 (“**IPC**”) was wrongly framed against said Radhika Ulhas Shenoi. Learned Additional Sessions Judge, City Civil and Sessions Court, Greater Mumbai by order dated 17th April, 2023 allowed the Criminal Revision Application No.180 of 2021 filed by the present Petitioner and directed that trial against Accused No.2 be conducted only under Sections 323, 504, 506 r/w 34 of IPC. Thereafter, the learned Trial Court has framed

the charge by order dated 5th June, 2023 in accordance with said order dated 17th April, 2023, however, it is the contention of the Petitioner that as a result of the same warrant case and summons case are being tried together. The Petitioner has filed Application seeking that warrant case and summons case be tried separately and on that Application the learned Trial Court has passed the order that APP to take note and comply thereafter the charge has been framed by order dated 5th June, 2023.

4. Mr. Haldankar, learned APP points out Section 223(d) of the Code of Criminal Procedure, 1973 (“**CrPC**”). He submits that as the offence has been committed in the course of the same transaction it is permissible that both the accused can be charged and tried together.

5. As the Petitioner is appearing in-person, Mr. Kartik Garg, learned Counsel of this Court is appointed as *Amicus Curiae*.

6. Stand over to **7th July, 2025** at **3:00 p.m.**

[MADHAV J. JAMDAR, J.]