

Arjun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.3196 OF 2025

Chandrakant C. Shah

...Petitioner

Versus

The State of Maharashtra & Anr.

...Respondents

Mr. Chandrakant Shah, Petitioner, in-person.

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

Mr. Kartik Garg, *Amicus Curiae*.

CORAM: MADHAV J. JAMDAR, J.

DATED: 07 JULY 2025

P.C.:

1. Heard Mr. Chandrakant Shah, the Petitioner who appears in-person. At the outset, he states that the Accused No.2 - Radhika Ullash Shenoy has filed Criminal Writ Petition No.1096 of 2024 seeking quashing the case as against her and the same is scheduled to come before the Division Bench on 8th August 2025. However, he fairly admits that the impugned Order is not challenged in the said Writ Petition. He only states that if the said Writ Petition is allowed, then the present Writ Petition will become infructuous.

2. However, the factual position on record shows that FIR has been lodged in the year 2010 by the wife of the present Petitioner alleging a

dowry demand, that the Petitioner is in romantic relationship with the Accused No.2 and assault by the present Petitioner as well as by the Accused No.2. Said 2010 Criminal Case is delayed for several reasons including that several applications, *inter alia*, have been filed from time to time by the Accused No.1 i.e. present Petitioner and Accused No.2 - Radhika Ullash Shenoy.

3. This Court in the Order dated 23rd June 2025 has set out the issue involved in the matter. Paragraph Nos.3 and 4 of the said Order dated 23rd June 2025 read as under :-

“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 Sheno. 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.”

4. As the Petitioner appears in-person, this Court appointed Mr. Kartik Garg, learned Counsel of this Court as *Amicus Curiae*. Learned *Amicus Curiae* has pointed out Section 155(4), Sections 221 to 223 and Section 259 of the *Code of Criminal Procedure, 1973* (CrPC). He also pointed out the Judgment of the Supreme Court in the case of ***State of Orissa v. Sharat Chandra Sahu***¹ and Judgment of a learned Single Judge of this Court in the case of ***Hariram Vensimal Bharwani v. State of Maharashtra***².

5. Mr Chandrakant Shah, the Petitioner who appears in-person also raised several contentions. Mr. Chandrakant Shah, the Petitioner, seeks leave to file written submissions. Let such written submissions be filed within a period of 1 week from today.

6. Learned *Amicus Curiae* is requested to submit written note within 1 week.

7. Stand over to **17th July 2025 at 03:00 pm.**

[MADHAV J. JAMDAR, J.]

1 (1996) 6 SCC 435

2 2014 SCC OnLine Bom 1865