

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

Criminal Writ Petition No.3705 of 2025

Dinesh Shankarlal Rajani and others ... Petitioners.

V/s.

State of Maharashtra and anr. ... Respondents.

Mr. Ajeet Manwani & Faisal Vora & Mithil Mehta	Advocate for the Petitioners.
Ms. R.S. Tendulkar	APP for the State.

CORAM : S.M. MODAK, J

DATE : 15th July 2025.

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P.C. :

Heard learned Advocate for the Petitioners-Accused and learned APP.

2. The learned Judicial Magistrate, 44th Court has framed the charge against these Petitioners on 4th March 2025 for the offences punishable under Section 324,323,504,527 read with Section 34 of IPC. The FIR is dated 13th March 2018 and the charge-sheet was filed on 23rd February 2019. The Petitioners pray for quashing of the order of framing of charge and liberty to file discharge application.

3. The learned Advocate for the Petitioners made the following submissions:-

(i) The Petitioners are not supplied with all the papers of the

charge-sheet and denied of an opportunity. This is recorded in Ground No. XVIII.

- (ii) After filing of charge-sheet, the date of framing of charge, the accused were not aware of the dates fixed and there is no summons by the Court and the bailable warrant was issued.
- (iii) On 4th March 2025 new Advocate is appointed and warrant is cancelled.
- (iv) The accused are denied of an opportunity to go through the charge-sheet and to file discharge application.

4. My attention is invited to an application dated 12th March 2025 filed by him before the trial Court. Time was sought to file discharge application. With assistance of learned Advocate I have read the contents. It nowhere mentions that incomplete charge-sheet was supplied to him. What is pleaded is charge-sheet was supplied to him on 4th March 2025 and the charge-sheet does not contain papers justifying framing of the charge.

5. Learned APP opposes the petition on the ground of conduct of the Petitioners.

6. I am not inclined to entertain the petition for two reasons:-

- (i) the charge-sheet was filed in the year 2019 and rightly or wrongly the Court has issued a bailable warrant and it was cancelled on 4th March 2025.

(ii) The trial Court has committed no wrong in framing the charge-sheet on that day.

7. Supplying charge-sheet papers is mandatory. The charge-sheet papers are supplied. The grievance of incomplete charge-sheet is not raised in the application dated 12th March 2025 but it is raised for the first time. This is after thought. The charge-sheet does not contain papers justifying framing of charge can be accepted only from a litigant who respect the law. If he does not remain present and bailable warrant is issued and subsequently he gets it cancelled, he has no room to make grievance that opportunity of hearing was not granted to him. So there is no merit in the petition. Writ Petition is dismissed.

8. The Petitioner is at liberty to take appropriate steps for challenging framing of charge.

(S.M. MODAK, J.)