

... Petitioner

... Respondents

State of Maharashtra and Anr.

Mr. K.C.Shinde, APP for State.

PSI Inamdar, Kala Chowki Police Station present.

CORAM: N.J.JAMADAR, J.

DATE : 18 NOVEMBER 2025

P.C.

1. Heard the learned Counsel for the parties.
2. The challenge in this Petition is to an order dated 30 June 2025, whereby the learned Magistrate has framed charge against the Petitioner for the offences punishable under Sections 406 and 420 of the Indian Penal Code, 1860.
3. Learned Counsel for the Petitioner submitted that, the charge has been framed without providing an opportunity of hearing to the Petitioner. The chargesheet was filed on 9 May 2025, and a copy of the chargesheet was served on the Petitioner on 30 June 2025. On the very day, learned Magistrate accepted the surety bond and framed charge against the Petitioner without providing any opportunity of hearing. Attention of the Court was invited to the copy of the roznama dated 30 June 2025 and the endorsement

on the copy of the chargesheet (page 25) to the effect that, the chargesheet was served on the Petitioner on 30 June 2025.

4. Prima facie, it appears that on 30 June 2025, before framing the charge, no opportunity of hearing was given to the Petitioner. Roznama does not record that the learned Magistrate had heard the prosecution or the Advocate for the accused, though the Advocate for the accused was shown to be present on that day. Since a copy of the chargesheet was served on the very same day i.e. 30 June 2025, it appears that the Petitioner had no effective opportunity to peruse the report under Section 173 of the Code and the documents annexed with it. Before framing of the charge, it was incumbent upon the learned Magistrate to provide an effective opportunity of hearing to the prosecution and the accused. Ex-facie, no opportunity of hearing was granted.

5. In this view of the matter, this Court is inclined to interfere with the impugned order and direct the learned Magistrate to pass an order on framing of charge afresh, after providing an effective opportunity of hearing to the Petitioner.

6. The impugned order framing charge, dated 30 June 2025, stands quashed and set aside.

7. The Petitioner shall appear before the learned Magistrate on 22 December 2025.

8. Learned Magistrate shall pass an order on framing of charge after providing an effective opportunity of hearing to the prosecution and the Petitioner-accused, in accordance with law.
9. The Writ Petition stands disposed.

(N.J.JAMADAR, J.)