



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL REVISION APPLICATION NO.25 OF 2025

1. Khurshid Jaat Imran Jaat
Aged About 28 Years,
Occ: Labour
2. Nasim Ahmed Kutubuddin Ahmed
Aged About 29 Years,
Occ: Labour
3. Bannu Khan Bilad Khan
Aged About 36 Years,
Occ: Labour

All R/o Bahadurnagar,
Tahsil – Nakul, District Saharanpur (UP).

...APPLICANTS

VERSUS

State Of Maharashtra,
through Police Station Office,
Akot Gramin, Tahsil Akot
District Akola.

...NON-APPLICANT

Mr. A.G. Hunge, Advocate for the applicants.
Ms S.S. Dhote, APP for the State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : FEBRUARY 24, 2025.

ORAL JUDGMENT :

ADMIT. Heard finally with the consent of learned Counsel for the parties.

2. The applicants who are the accused in the Sessions Case No.01/2025 registered for the offence punishable under Sections 109 and 281 read with Section 3(5) of Bharatiya Nyaya Sanhita, 2023 and Section 9(A) read with Section 5(c) of the Maharashtra Animal Preservation Act, 1976 and under Sections 11(1)(d) of the Prevention of Cruelty to Animals Act, 1960 and under Section 119 of the Maharashtra Police Act, 1951.

3. It is stated that before framing of the charge, hearing as contemplated under Section 227 of the Cr.P.C. was not granted. In support of this contention, learned Counsel has placed reliance on the judgment of this Court in *Criminal Revision Application No.74/2024 (Mr. Sheikh Mujaffar s/o Sheikh Rashid Vs. State of Maharashtra and anr.)* decided on 02/07/2024 and *Criminal Revision Application No.338/2006 (Ambadas Kashirao Kharad and ors. Vs. The State of Maharashtra)* decided on 18/01/2007.

4. Learned APP for the State is heard. She submitted that after framing of the charge the revision application is not maintainable.

5. In my view, on account of the provision, the Sessions Court has not considered the provisions and hearing was not granted to the accused. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

(i) The application is allowed.

(ii) The charge framed against the accused in Special Case No.01/2025 by 1st District and Additional Sessions Judge, Akot dated 17/01/2025 is quashed and set aside.

(iii) Learned Judge is directed to frame a charge against the accused persons by complying the provisions of Section 227 of Cr.P.C.

(iv) The accused Nos.1 to 3 shall be produced before the Court.

6. Criminal Revision Application stands disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*