



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (APL) NO. 635 OF 2025

UNNATI W/O YOGESH KAPSE

...Vs...

STATE OF MAHA THR PSO, PS GONDIA

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Shri N.R.Tekade, Advocate for applicant.
Shri N.R.Patil, APP for respondent/State.

CORAM: RAJNISH R. VYAS, J.

DATED : 24nd SEPTEMBER, 2025.

This application is preferred by the applicant, who has been impleaded as an accused in Regular Criminal Case No. 483/2021, by virtue of Section 319 of the Code of Criminal Procedure. Principal accused was tried for commission of offence under Section 380 of Indian Penal Code.

2. During the course of trial and after examining 6 witnesses, an application under Section 319 of Cr.P.C. was preferred by the prosecutor praying for addition of an accused. The said application was preferred on 11/01/2024 below Exh. 27 and on 09/08/2024, the following order was passed:-

“No say filed despite an opportunity. The record prima facie shows involvement of proposed accused, hence application by learned APP approved. Proposed accused be added as party accused.”

3. In catena of cases, the Hon'ble Apex Court has stated that, setting the criminal law in motion against a person is a serious matter.

4. If the order is perused, it would clearly reveal that there are absolutely no reasons given while allowing the application.

5. In view thereof, order impugned dated 09/08/2024 passed below Exh. 27 by learned Chief Judicial Magistrate, Gondia in Regular Criminal Case No. 483/2021 is hereby quash and set aside.

6. The Trial Court is directed to decide the application afresh according to law.

7. The parties to appear before the Trial Court on 01/10/2025.

8. Accordingly, the Criminal Application (APL) stands **disposed of**.

(RAJNISH R. VYAS, J.)

B.T.K.