



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

CRIMINAL APPLICATION (APPW) NO. 239 OF 2025

in

CRIMINAL WRIT PETITION NO. 103 OF 2025

[Markhandi Patruji Chaware and ors. **vs.** State of Maharashtra,
through P.S.O., P.S. Mul, District Chandrapur and ors.]

Office Notes, Office Memoranda
of Coram, Appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

Mr. R. P. Durge, Advocate for the petitioners
Mr. I. J. Damle, A.P.P. for the State/respondent nos. 1, 3 & 4

CORAM: **ANIL L. PANSARE**
AND RAJ D. WAKODE, JJ.

DATE : **13-11-2025.**

For the reasons set out in the application, the
application is allowed.

Amendment shall be carried out within two
weeks.

CRIMINAL WRIT PETITION NO. 103 OF 2025

Learned Additional Public Prosecutor submits
that the charge-sheet was filed on 24-1-2025 and
cognizance have been taken.

Since the cognizance is taken, remedy under
Article 226 of the Constitution of India will not be
available to the petitioner in terms of the judgment of
the Supreme Court in the case of *Pradnya Pranjali
Kulkarni Vs. State of Maharashtra and anr.* [2025 SCC

OnLine SC 1948].

Learned counsel for the petitioner submits that the petition has been also filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') and that he will pursue the remedy under the said provision.

The petition shall accordingly be treated as application under Section 528 of the BNSS.

Registry to list the application before the appropriate Bench.

(JUDGE)

(JUDGE.)

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