



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**1023 CRIMINAL APPEAL NO. 635 OF 2025
WITH
CRIMINAL APPLICATION NO. 358 OF 2026
IN APEAL/635/2025
WITH
CRIMINAL APPLICATION NO. 4863 OF 2025
IN APEAL/635/2025**

**WALMIK BABURAO KARAD
VERSUS
THE STATE OF MAHARASHTRA**

...

Mr. Nilesh Ghanekar h/f Mr. Kulkarni Sanket S., a/w Ashish R. Kachole, Advocate for Appellant

Mr. A. B. Girase, GP, Mr. P. K. Lakhotiya, APP & Mr. Sachin Salgare, for Respondent-State

Mr. Z. H. Farooqui h/f Mr. N. V. Gaware, Advocate for intervenor

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**CORAM : SANDIPKUMAR C. MORE AND
ABASAHEB D. SHINDE, JJ.**

DATED : 28/01/2026

P. C. :

1. Though the applicant has filed this application seeking amendment of his appeal to incorporate a challenge to the order dated 23/03/2025 passed by the learned Special Judge, Beed, whereby a charge is framed against the appellant, but the learned GP, by filing an affidavit in reply, contends that once the charge has been framed against the applicant/appellant, his appeal against the rejection of his discharge application has become infructuous. For this purpose, the learned GP has relied upon the judgment in **Directorate of Revenue Intelligence vs. Raj Kumar Arora and**

Others, 2025 SCC OnLine SC 819, wherein it is observed in paragraph 154 as follows:

“We are in agreement with the view that once charges have been framed by the trial court in exercise of the powers under Section 228 of Cr.P.C., the accused cannot thereafter be discharged, be it through an exercise of the powers under Section 227 or 216 Cr.P.C. It is reiterated that the language of Section 216 Cr.P.C. provides only for the addition and alteration of charge(s) and not for the deletion or discharge of an accused. If the Legislature had intended to empower the Trial Court with the power to delete a charge at that stage, the same would have been expressly and unambiguously stated. Therefore, at such a stage of the trial, the accused must necessarily either be convicted or acquitted of the charges that were so framed against him. No shortcuts must be allowed.”

2. Similar observations are made by the Hon'ble Apex Court in **Ratilal Bhanji Mithani vs. State of Maharashtra and Others, (1979) 2 SCC 179**, in paragraph 28. Placing reliance on these observations, we express our disinclination to grant relief in favour of the applicant/appellant in the amendment application.

3. Learned counsel for the applicant/appellant seeks withdrawal of the appeal as well as the amendment application, with liberty to pursue any appropriate remedy as permissible in law under the circumstances. In view of the same, the appeal as well as the

application for amendment stand disposed of, with liberty as aforesaid.

4. In view of the disposal of the main appeal, all pending applications also stand disposed of.

(ABASAHEB D. SHINDE, J.) (SANDIPKUMAR C. MORE, J.)

VS Maind/-