

S.S.Kilaje

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO. 407 OF 2024

Shishir Sudhir Lohia

... Applicant

VERSUS

The State Of Maharashtra

... Respondent

Mr. Girish Kulkarni, Senior Advocate a/w. Ms. Mrunmai Kulkarni and P.K.Sanghrajka, Advocate for Applicant.
Mr. B.B.Kulkarni, APP for Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 6th MAY, 2026.

P.C. :

1. Heard learned Senior Counsel for the applicant and learned APP for the State.
2. Learned Senior counsel for the applicant submits that learned Metropolitan Magistrate Court has framed the charge and thereafter, matter was committed to the learned Sessions Judge. Applicant had filed an application for discharge before the learned Sessions Judge, which was rejected and the said order is under challenge. He further submitted that the offence is committed prior to 31.03.2017, hence matter be remanded back to the learned Metropolitan Magistrate Court for trial and the

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applicant will not press impugned order on discharge.

3. Learned APP submits that appropriate order be passed.

4. I have heard both the learned counsel. It is prosecution's case that first informant is a traffic police constable. On 23.08.2015, the applicant had parked his car in no parking zone. When first informant asked the applicant to pay fine, at that time, the applicant assaulted the first informant, caused injury to him and prevented him from doing his official duty. Hence, offences under Section 323, 353, 504, 506 of Indian Penal Code, 1860 (for short "IPC") were registered against the applicant. In the year 2017, Section 353 of IPC was considered as sessions triable offence. Hence, matter was committed to learned Sessions Judge, who has passed the impugned order. When offence was committed, at that time, Section 353 was not sessions triable offence and as applicant is not pressing rejection of order of discharge, I pass following order:

ORDER

- (i) The case was committed to the Sessions Court after the amendment of 31.03.2017 as Section 353 of IPC is sessions triable but the present offence was registered prior to the amendment. Hence, matter is remanded back to the Metropolitan Magistrate Court for trial as charges are already framed.

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- (ii) The applicant shall not file fresh discharge application before the Metropolitan Magistrate Court.

5. The Revision Application is disposed of accordingly.

(SHIVKUMAR DIGE, J.)