

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 170 OF 2026**

Anand Lalasaheb Bhagat

... Petitioner

Versus.

State Of Maharashtra And Anr.

... Respondents

Ms. Sana Khan, for the Petitioner.

Mr. Ameet Palkar, APP for the Respondent – State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 30th April, 2026.

P.C. :

1. Heard Ms. Sana Khan, learned Advocate for the Petitioner and Mr. Ameet Palkar, learned APP for the Respondent – State.

2. By the present Petition, the Petitioner has sought the following substantive relief in terms of prayer clause (i), which are transcribed in verbatim:-

i) Issue a writ of certiorari or any other appropriate writ, order or direction quashing and setting aside the Order dated 09.09.2025 on framing of charge passed by the learned Judicial Magistrate First Class, Shivajinagar, Pune, in subsequent FIR having arising out of FIR No. 195/2025, Chandannagar Police Station, Pune City, in so far as it frames charges against the Petitioner under Sections

420, 467, 468, 471, 120B of the Bharatiya Nyaya Sanhita, 2023, and Section 82 of the Registration Act, 1908.

3. The grievance of the Petitioner is that the charge in proceedings bearing R.C.C. No. 3947 of 2025, pending on the file of the Judicial Magistrate First Class, Shivajinagar, Pune, was framed without affording the Petitioner an opportunity of hearing.

4. Ms. Sana Khan, learned Advocate for the Petitioner states that the Petitioner was not notified that the matter scheduled for 09.09.2025 was for the framing of the charge. She submits that grave prejudice has been caused to the Petitioner by not notifying the Petitioner that 09.09.2025 was the date fixed for the framing of the charge and by not affording an opportunity of hearing to the Petitioner before the charge was framed. She relies on the decision of this Court in the case of *Sanjay Hariram Agarwal v. The State Of Maharashtra and Anr.*¹, to submit that the Petitioner would be entitled to a hearing prior to the order framing the charge.

¹ Writ Petition No. 77 of 2026 decided on 13.01.2026.

5. Mr. Ameet Palkar, learned APP for the Respondent – State, submits that the Roznama dated 26.08.2025 of R.C.C. No. 3947 of 2025 does not indicate that the matter was fixed for either arguments before framing the charge or for framing the charge on 09.09.2025. He therefore submits that the decision in the case of Sanjay Hariram Agarwal (Supra) would apply. He further submits that the order dated 09.09.2025, which framed the charge, be set aside and that the course adopted in the case of Sanjay Hariram Agarwal (Supra) be followed in this case.

6. In view of the above and by consent of the parties, the following order is made:

a. The order dated 09.09.2025 impugned in this Petition as well as the charge as framed against the Petitioner, stands quashed and set aside.

b. The Petitioner shall appear before the Judicial Magistrate First Class, Shivajinagar, Pune, on 07.05.2026.

c. The Judicial Magistrate First Class,

Shivajinagar Pune, shall pass an order on framing of charge after providing an effective opportunity of hearing to the Prosecution and the Petitioner (Accused), in accordance with law.

7. Ms. Sana Khan, learned Advocate for the Petitioner, states that the Petitioner shall not seek an adjournment on 07.05.2026.

8. This Petition is disposed of . There shall be no orders as to costs.

(ASHWIN D. BHOBE, J.)

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