

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO. 516 OF 2026

Mohammad Umar @

Pascal Michel Postel & Ors.

...Petitioners

Versus

The State of Maharashtra & Anr.

...Respondents

Mr. Aabad Ponda, Senior Advocate a/w Mr. Y. H. Muchhala, Senior Advocate, Dr. Sujay Kantawala, Ms. Mrunalini Deshmukh, Mr. Subash Jadhav, Ms. Rashda Suhail, Mr. Rishabh Jadhav, Mr. Om Ajay Gupte, Ms. Sanskruti Harode, Ms. Aishwarya Kantawala & Mr. Shivam Jain Kakadia i/b Parinam Law Associates, learned Advocates for the Petitioners.

Mr. Sukanta A. Karmakar, learned A.P.P. for the State/Respondent.

Mr. Mubin H. Solkar a/w Mr. Tahir Hussain, Mr. Anas K. Shaikh, Ms. Mehrosh Solkar, Ms. Tahera Qureshi, Mr. Zahid Burud, Ms. Hemal Shah, Mr. Yakub Shaikh & Criminal Intern-Mateen Undre, learned Advocates for Respondent No. 2.

API Mr. Desai attached to Gamdevi Police Station is present in the Court.

CORAM : ASHWIN D. BHOBE, J.

DATE : 26th FEBRUARY 2026.

P.C. :

1. Heard Mr. Aabad Ponda, learned Senior Advocate for the Petitioners, Mr. Sukanta Karmakar, learned A.P.P. for the State/Respondent and Mr. Mubin Solkar, learned Advocate for Respondent No. 2.

2. Mr. Sukanta Karmakar, learned A.P.P. for the State/Respondent submits that the investigation in First Information Report No. 40 of 2026 is complete and charge-sheet

has been filed.

3. In view of the submission made by Mr. Sukanta Karmakar, learned A.P.P., Mr. Aabad Ponda, learned Senior Advocate for the Petitioners craves leave to carry out amendment in the Petition by incorporating additional grounds to challenge the charge-sheet and to place on record copy of the charge-sheet. He requests for 2 weeks' time to carry out such exercise.

4. Mr. Mubin Solkar, learned Advocate for Respondent No. 2 objects to the proposed amendment on the ground that once the charge-sheet is filed, according to him, the remedy for the Petitioners to apply for discharge is before the Trial Court.

5. Mr. Aabad Ponda, learned Senior Advocate for the Petitioners submits that the said submission would not be tenable in view of the decision of the Hon'ble Supreme Court in the case of ***Pradnya Pranjal Kulkarni v/s. The State of Maharashtra***¹.

6. Request made by Mr. Aabad Ponda, learned Senior Advocate for the Petitioners is not objected by Mr. Sukanta Karmakar, learned A.P.P. for the State/Respondent.

7. In view of the No Objection and considering the law laid down by the Hon'ble Supreme Court in the case of ***Pradnya Pranjal Kulkarni*** (*supra*), leave granted to carry out amendment in the Petition by incorporating additional grounds to challenge the charge-sheet and to produce it on record. Amendment be carried out within a period of 3 weeks from today and the charge-sheet be

1. 2025 SCC OnLine SC 1948.

produced within same time.

8. Upon amendment being carried out, amended copy of the Petition along with the complete charge-sheet be furnished to the office of learned A.P.P. and to the learned Advocate for Respondent No. 2 within a period of one week thereafter.

9. At the request of Mr. Aabad Ponda, learned Senior Advocate for the Petitioners and by consent of the parties, list the matter on 10th April 2026.

[ASHWIN D. BHOBE, J.]

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