

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 1238 OF 2026

Neeraj Ashok Khatanhar

... Petitioner

V/S.

The State Of Maharashtra And Anr.

... Respondents

Mr. Rohan Hogle, learned Advocate for the Petitioner.

Ms. Poonam Bhosale, learned APP for the Respondent – State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 18th March, 2026.

P.C. :

1. Heard Mr. Rohan Hogle, learned Advocate for the Petitioner and Ms. Poonam Bhosale, learned APP for the Respondent – State. Mr. Rohan Hogle, learned Advocate states that Respondent No. 2 is a formal party to this Petition.

2. By this Petition filed under Article 226 of the Constitution of India and under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the Petitioner assails the order dated 12.01.2026, passed by the learned Additional Sessions Judge, Dindoshi, Mumbai, (“Sessions Court”) in Sessions Case No. 724 of 2025, framing charge against the Petitioner for the offences punishable

under Sections 69, 316(2), 318(4), and 352 of the Bharatiya Nyaya Sanhita, 2023.

3. In view of the limited challenge raised in this Petition, reference is made to the bare/minimum facts as stated by Mr. Roshan Hogle, learned Advocate for the Petitioner:-

3a. First Information Report No. 359 of 2025 was registered against the Petitioner for the offences punishable under Sections 69, 316(2), 318(4), and 352 of the Bharatiya Nyaya Sanhita, 2023.

3.b Upon Investigation, Chargesheet was filed before the Magistrate and registered as C.C. No. 5053/PW/2025. By Committal Order dated 16.12.2025, records of C.C. No. 5053/PW/2025 were submitted to the Sessions Court, Dindoshi, Mumbai.

3c. Roznama dated 30.12.2025 and 12.01.2026 reads as follows:-

Business	:	30-12-2025 CORAM – H.H.J. SMT. ASHWINI D. LOKHANDE, ADHOC JUDGE, CITY CIVIL COURT AND ADDITIONAL SESSIONS JUDGE(C.R. No. 18) Sessions Case 724/2025 (CNR No.) APP Sudhir Sapkale for state present. Accused not produced from JC. Adv. for accused absent. Adj. for charge to 12-01-2026. Judge
Next Purpose	:	Charge
Next Hearing Date	:	12-01-2026
Judge, City Civil Court and Additional Sessions Judge		

Business	:	12-01-2026 CORAM-H.H.J. SHREE N.D. KHOSE, ADDITIONAL SESSIONS JUDGE (C.R. No. 18) Sessions Case 724/2025 (CNR No. MHCC05-006921-2025) APP Sudhir Sapkale for state present. Accused not produced from JC(MCP). Adv. for accused absent. KB Later on 3.05 p.m. Accused produced from JC(MCP) on VC. Exh.03 Plea of accused. Adj. for document to 23.01.2026.
Next Purpose	:	Documents
Next Hearing Date	:	23.01.2026
Judge, City Civil Court and Additional Sessions Judge		

4. Grievance of the Petitioner is that charge was framed by the Sessions Court without affording an opportunity of hearing to the

Petitioner. Mr. Rohan Hogle, refers to the Roznamas dated 30.12.2025 & 12.01.2026 to contend that the Petitioner was not heard prior to framing of the charge. He specifically states that charge was framed on 12.01.2026 without affording any opportunity of hearing to the Petitioner, thereby causing serious prejudice.

5. Ms. Poonam Bhosale, learned APP for the Respondent – State on the basis of the records placed in this Petition viz. The Roznama dated 30.12.2025 and 12.01.2026 submits that the Petitioner apparently was not heard before framing of the charge.

6. Mr. Rohan Hogle states that the subject matter of this Petition warrant traible case.

7. Roznama dated 12.01.2026 relied by Mr. Rohan Hogle, does not record the Sessions court had heard the prosecution or the Accused. Thus, the Petitioner had no opportunity. For this reason alone, the order dated 12.01.2026 of framing charge against the Petitioner deserves to be quashed and set aside. Useful reference can be made to the view expressed in the case/s of *Bharat Uttam*

*Rajurkar And Others v/s. The State of Maharashtra*¹, *Zenon John Pereira v/s. The State of Maharashtra And Anr.*², *Khurshid Jaat Imran Jaat v/s. The State of Maharashtra*³, *Ajay Arun Kumar Chougule v/s. The State of Maharashtra*⁴, *Ambadas Kashirao Kharad v/s. The State of Maharashtra*⁵, *Wasumati Ashok Thakre And Another v/s. The State of Maharashtra*⁶, *Sheikh Rashid v/s. The State of Maharashtra And Another*⁷ and *Sanjay Hariram Agarwal v/s. The State of Maharashtra And Another*⁸ wherein this Court has held that an opportunity of hearing is required to be afforded to the Accused prior to framing of the charge.

8. In view of the above, the present Petition is partly allowed on the following terms :-

a) Order dated 12.01.2026 impugned in this Petition as well as the charge as framed against the Petitioner, stand quashed and set aside.

1 Criminal Writ Petition No. 1232 of 2017 decided on 12.01.2018.
2 Writ Petition No. 5915 of 2025 decided on 18.11.2025.
3 Criminal Revision Application No. 25 of 2025 decided on 24.02.2025.
4 Criminal Application No. 1298 of 2018 decided on 04.12.2019.
5 2007 (1) Bom.C.R. (Cri.) 881.
6 Criminal Revision No. 135 of 2010 decided on 12.08.2010.
7 Criminal Revision Application No. 74 of 2024 decided on 02.07.2024.
8 Criminal Writ Petition No. 77 of 2026 decided on 13.01.2026.

- b) Petitioner shall appear before the learned Additional Sessions Judge, Dindoshi, Mumbai on 27.03.2026.
- c) Learned Additional Sessions Judge, Dindoshi, Mumbai 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.
- d) No order as to costs.

(ASHWIN D. BHOBE, J.)

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