

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 82 OF 2026

Asif Rafiq Shaikh @ Asif Momin. ... Applicant.

V/s.

The State of Maharashtra & Anr. ... Respondents.

Mr. Ashraf Kazi a/w. Mr. Vipul Dushing, i/b. Sarvesh Nikam,
Advocate for Applicant.

Mr. Sukanta Karmakar, APP for Respondent/State.

PSI Dadhe, Khadak Police Station.

CORAM : ASHWIN D. BHOBE, J.

DATE : 22nd JANUARY, 2026.

P.C. :

1. By this Application filed on 16th January, 2026, the
Applicant has sought for the following relief :

*“a) This Hon'ble Court may be pleased to admit the
present Criminal Application.*

*b) This Hon'ble Court may be pleased to call for record
and proceedings in Special Case No. 419 of 2021 arising
out of FIR No. 144 of 2021 pending before Ld. Sessions
Court, Pune.*

*c) That this Hon'ble Court may be pleased to quash and
set aside the Order of the Ld. Sessions Court of Framing
of December 2024 in Special Case No. 419 of Charge*

dated 10th Oct 2021 and pass any other order in the interest of justice.

d) Pending the hearing and final disposal of the Application, this Hon'ble Court may be pleased to stay the proceedings in Special Case No. 419 of 2021 pending before Ld. Sessions Court, Pune;

e) Pending the hearing and final disposal of this Application, this Hon'ble Court may please to kindly pass interim and ad-interim reliefs in terms of prayer clause d.

f) Pass any other order or directions as this Hon'ble Court may deem fit and proper in the interest of justice.”

2. Mr. Ashraf Kazi, learned Advocate for the Applicant states that the charge was framed on 10th December, 2024. However, on instructions from the Applicant he states that the Applicant (Accused) refused to sign the charge-sheet as the Applicant believes that there was no evidence against him.

3. Mr. Ashraf Kazi, learned Advocate for the Applicant states that evidence in the matter has commenced, he tenders copy of the roznama which indicates that evidence has commenced in Special Case No. 419 of 2021.

4. Mr. Sukanta Karmakar, learned APP submits that the offence charged against the Applicant is a serious offence. There is sufficient material on record to frame the charge. He submits that the charge being framed and the matter being proceeded before

the Trial Court as recorded in the Roznama, no interference be caused in the present Petition. He on instructions from the Investigation Officer states that the prosecution are ready to expedite the proceeding of Special Case No. 419 of 2021 pending on the file of Court of Special Judge, Pune, subject to the Applicant cooperating in the early disposal of the said proceedings. Mr. Karmakar, learned APP again on instructions submits that a period of 6 months would be sufficient to conclude the trial. The period of 6 months is stated by Mr. Karmakar, learned APP considering the proceedings are pending from 2021.

5. Based on the submission made by Mr. Karmakar, learned APP, Mr. Ashraf Kazi, learned Advocate for the Applicant requests for time of two weeks to take instructions from the Applicant. Request made by Mr. Kazi, learned Advocate for the Applicant is not objected to by Mr. Karmakar, learned APP.

6. At the request of Mr. Ashraf Kazi, learned Advocate for the Applicant, list the matter on 6th February, 2026 under the caption “for disposal”.

(ASHWIN D. BHOBE, J.)