



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO.246/2025

Sachin Bhaurao Bhoyar .VS. State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. P D. Sharma, Advocate for petitioner.

Mr. Deven Chauhan, Public Prosecutor-Senior Advocate assisted by
Mr. A. B. Badar, A.P.P. for respondent.

CORAM : ANIL L. PANSARE AND NIVEDITA P. MEHTA, JJ.

DATE : MARCH 23, 2026.

Heard for some time.

2. Learned counsel for petitioner has commenced the argument saying that the grounds of arrest were not communicated to the petitioner either orally or in writing.

3. Learned Public Prosecutor submits that this plea was not taken before the Trial Court or in the applications filed by petitioner before the Sessions Court or this Court, for releasing him on bail.

4. When inquired with the counsel for the petitioner as to whether such plea was taken before Trial Court he, initially, answered in the affirmative but, thereafter, said that he will have to take instructions from the counsel who appeared before the Trial Court.

5. We have, thereafter, invited his attention to the applications filed under Section 439 of the Criminal Procedure Code, 1973. The first application is at Annexure-C, which he filed before Sessions Court and second is Annexure-G, which he had filed before this Court. The aforesaid plea was not taken. He submits that subsequent thereto and pending petition, the petitioner has filed yet another application before the Sessions Court raising this ground.

6. This development, however, has been not brought on record. Learned counsel for petitioner now seeks permission to place on record subsequent development including order passed by the Sessions Court. When inquired as to what is the outcome, counsel for

petitioner submits that the application has been rejected by the Sessions Court.

7. We are not willing to give such permission inasmuch as it was petitioner's duty to bring this fact on record before commencing argument. It is only when the attention of counsel was invited to his own pleadings, he is seeking such permission.

8. Thus, it appears that the plea now put forth by the petitioner of not informing him the grounds of arrest has been considered by the Sessions Court and after having considered the same, the application is rejected.

9. We are, however, not aware of the reasons assigned by the learned Sessions Court for rejecting the applications as the order is not before us. The petitioner has suppressed this vital information and on this count alone the petition is liable to be dismissed and stands dismissed accordingly.

10. The petitioner is, however, at liberty to challenge the order passed by the Sessions Court declining to grant relief.

(JUDGE)

(JUDGE)