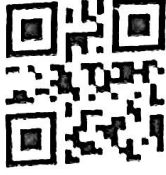


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MHNG010051772024



Presented on : 09.05.2024
Registered on : 14.05.2024
Decided on : 18.11.2024
Duration : 00 Y. 06 M. 09 D.

IN THE COURT OF ADDITIONAL SESSIONS JUDGE-12, NAGPUR
(Presided over by Smt. S.S. Nagur)

CRIMINAL REVISION NO.118/2024

Sanjay Hariram Agrawal
Aged : 58 yrs., Occ – Business
R/o 7, Hari Sava Street,
Kidderpore, Kokata

... Applicant

Versus

State of Maharashtra
Through P.S.O., Ganeshpeth
Police Station, Nagpur

... Non-applicant

ORDER BELOW EXH.1

(Passed on 18th November, 2024)



**REVISION UNDER SECTION
397 OF THE CODE OF CRIMINAL
PROCEDURE.**

The applicant has filed the revision against the order dated 16.04.2024 passed by 2nd A.C.J.M., Nagpur in R.C.C. No.147/2002 State Vs Sunil Kedar and others at Exh.3596. The learned trial court rejected the application filed by applicant to direct the prosecution to file split charge sheet against the applicant. The applicant is accused No.3 in the said trial filed under section 406, 409, 468, 471 and 120(B) of Indian Penal Code.

2] The applicant stated that the learned trial court failed to

appreciate the legal provisions in the subject matter. **Ratio in H.Aarun Basha Vs Inspector of Police** [Cri.LOP No.28952 of 2018] is not considered. The entire charge sheet of R.C.C.No.147/2002 exhibited and other accused have preferred Criminal Appeal to challenge their conviction. Hence, prayed to allow the revision.

3] The Non-applicant filed reply at Exh.8 and objected on the ground that the applicant received copy of charge sheet on 22.11.2002 through his counsel therefore, the compliance of section 207 of Cr.PC. was done by the Hon'ble Court. The applicant has also received the copy of all the documents placed by the prosecution along with charge sheet. The applicant approached the Hon'ble High Court to club all the matter pending against him. The applicant has also received supplementary charge sheet on 25.08.2003. The applicant choose to remain out of trail from other accused. The applicant is trying to prolong the matter. Hence, prayed to reject the application.

4] In view of the above facts, following points arise for my determination and reasons with findings thereon are as under :-

Sr.No.	POINTS	FINDINGS
1	Whether the order dated 16.04.2024 passed by 2 nd A.C.J.M., Nagpur in R.C.C. No.147/2002 requires any interference?	No
2.	What order?	The revision is dismissed with cost.

REASONS

AS TO POINT NO.1 AND 2 :-

5] Heard Adv. Shri.Pankaj Tamboli for applicant and APP

Sgtm
18.11.24



Smt.Nair for non-applicant. Perused contents of revision application and say. I have also gone through the written notes of argument filed by applicant at Exh.6

6] The Adv. Shri.Pankaj Tamboli for applicant has relied on authority reported in **A.T. Mydeen and another Vs Asstt. Commissioner (2022) 14 SCC 392** and **H.Aarun Basha Vs State** represented by the **Inspector of police 2018 SCC Online Madras 12845** that the accused could not participate in the proceeding and after his appearance it is necessary to file split charge sheet by the prosecution. These cases pertain to absconding accused and the charge sheet filed under section 299 of Cr.P.C. against them.

7] I have gone through the order passed by learned trial court vide Exh.3596 dated 16.04.2024. The applicant is not denying that when the charge sheet was filed he was not absconding. On the contrary, he has received the copy of charge sheet along with other accused. The applicant preferred petition before Hon'ble High Court to club together various cases pending against him at Mumbai, Wardha, Pune, Nagpur and Usmanabad. The said petition [in Cri.Appln.No.628/2014 with Interim appln.No.63/2020 in Cri.Appln.No.628/2014; Cri.Appln.No.889/2019 in Cri.Appln.No.332/2015; Cri.Appln.No.332/2015 in Cri. Appln.No.624/2014; Cri.Appln.No.333/2015 in Cri.Appln.No.624/2024 with Cri.Appln.No.624/2014; Cri.Appln.No.625/2014, Cri.Appln.No.626/2014; Cri.Appln.No.627/2014; Cri.Appln.No.629/2014; Cri.Appln.No.630/2014; Cri.Appln.No.631/2014; Cri.Appln.No.1022/2014 and Civil PIL No.15/2020] is disposed of by Hon'ble High Court on 9th July, 2021. The Hon'ble High Court in para No.71(iii) directed the learned trial court that *"we make it clear that after completion of trial in said C.C.No.147/2002 (Crime No.101/2002 registered with Ganesh Peth Police station) against other accused except the applicant, the trial against applicant be commenced by conducting the same expeditiously and preferably on day to day basis and the same be completed within a period of four months after commencement of trial against present applicant"*.

8] The Criminal Case R.C.C.No.147/2002 was disposed of against other accused by judgment dated 22.12.2023. The appellant due to the petitions filed by him on the point of jurisdiction and to club together his case pending at various places did not participate in the proceeding. The applicant is well aware of the above order passed against him on 9th July, 2021. All the applications to club the cases together and to be tried at Mumbai Court is dismissed.

9] The application is preferred by the applicant to file split charge sheet against him only on the ground that the earlier charge sheet is exhibited. It is not the case of applicant that he was absconding and there was no investigation carried out against him by the concerned police station. The applicant was arrested and after investigation against him, the charge sheet was filed bearing R.C.C.No.147/2002.

10] The applicant has succeeded in prolonging the case till date. Now also be preferring the above applications, the applicant is trying to prolong the case against him though, he is well aware that the case is to be expedited and proceeded on day-to-day basis. Since beginning the applicant is making an attempt to pass time so that he will not face trial in the case. Once, the charge sheet is filed after investigation by the concerned police station, the question of split charge sheet will not arise. Therefore, the learned trial court has rightly rejected the application of the applicant. The ratio of the authority relied by the applicant is not applicable to the present facts of the case. No interference is required in the order passed by learned trial court. Accordingly, answering **Point No.1 in negative**. The applicant has again attempted to prolong the case though well aware of the order passed by Hon'ble High Court to proceed expeditiously on day-to-day basis. Therefore, it is necessary to impose heavy costs on the applicant and

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18.11.24

with this observes, pass following order:-

ORDER

- i) The Criminal Revision Application No.118/2024 is dismissed with cost of Rs.20,000/- (Rupees Twenty Thousand).
- ii) The applicant should appear before the trial court on the date to frame charge.
- iii) Accordingly, the criminal revision application is disposed of.

Nagpur

Date : 18.11.2024

SSJ M
18.11.24
(S.S. Nagur)

Additional Sessions Judge-12,
Nagpur

Case argued on	:	16.11.2024
Order dictated on	:	18.11.2024
Transcription ready on	:	18.11.2024
Order checked and signed on	:	18.11.2024

CERTIFICATE

I affirm that the contents of this R.D.F. of the order are word to word as per original order.

Name of Stenographer :- V. M. Wasnik (Grade-I)



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For Asst. Supdt.
Copying Branch
Dist. Court, Nagpur

P-11

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