

In the Court of Hon'ble Chief Judicial Magistrate, Wardha

RCC number. 573/2002.

fixed for 25/08/2025

Stateversus..... Sanjay Agrawal and others

Say of prosecution on exhibit no. 894

APP submit say as under-

1. Application file by the accused namely Sanjay Agrawal is against the provision of law hence strongly opposed.
2. It reveals from the record that, in the ^{instant} ~~instat~~ matter charge under section 420 and 406 was p pleased to framed by this honorable court on dated 20.9.2012. it also clear from the record that after framing of charge trial against the accused was commenced and most of the witnesses are examined by the prosecution.
3. All the contentions in the application filed by the accused are hypothetical and probable final argument in the matter.
4. It is further submitted that the accused moved instant application on the basis of misconception of interpretation of section 216 of CRPC. Further ~~not~~ ^{circumstances} ~~all the site~~ citation case laws mention in the application are on different fact and ~~circumstances~~ of the case therefore case laws mentioned and relied by the accused are not applicable to instant case.
5. It reflect from prayer in the application of the accused that he prayed for drop or indirectly delete the charge framed against him ~~by~~ by this honorable court. There is no any provision in CrPC or BNSS regarding drop or delete charge already framed against the accused. In the instant matter charge framed against the accused before 13 years and trial was already commenced. Hence ^{whether} ~~weather~~ charge framed against the accused are made out or not and its legal position is now matter of appreciation of evidence. Therefore charge frame against the accused cannot be deleted or a drop at this stage. For this purpose prosecution relied on case law of Hon'ble supreme Court in criminal appeal number 1319/2013, Directorate of revenue intelligence versus RajKumar Arora and others.
6. It is further submitted that, offence under IPC are with different ingredients and if ingredient of said provision are attracted then then charge under that offence needs to be framed. In the instant matter the accused committed of punishable under section 420 and 406 of IPC.

Therefore after application of judicial mind this honorable court pleased to framed the charge under those section against the accused. Since the framing of charge till the examination of

number of prosecution witnesses accused has not moved any application. Now after 13 years the accused moved instant application only to prolong the trial.

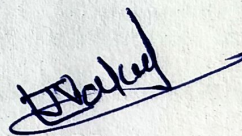
7. At this stage Drop or deletion of charge amounts to indirectly discharge of the accused in any of the offence. After framing of charge there is no provision of discharge of the accused in anyway. It is further submitted that this honorable court already pleased to framed the charge against the accused under section 406 and 420 of IPC. Therefore, whether accused committed offence punishable under section 406 or 420 of IPC is the matter of appreciation of evidence. There is no any absolute bar to frame charge again the accused for the offences punishable under section 460 and 420 of IPC for same act or transaction because ingredient of both the section are different and needs to be proved with their ingredients. For this purpose prosecution relied on case law of Andhra Pradesh supreme Court in Dr nallappa Reddy Sudheer Reddy versus state of Andhra Pradesh AIR ONLINE 2020 SC 48.

It is further submitted that, prosecution produced his evidence to prove the guilt of accused for the offence punishable under section 406 and 420 of IPC. Therefore, the accused either acquitted or convicted for the offences punishable for the offence committed by him.

Considering the above-mentioned grounds and law points application moved by the accused may kindly be rejected.

Wardha,

Dated 25/08/2025.


APP