

Amravati

Exh 1085/17

IN THE COURT OF THE HON'BLE CHIEF JUDICIAL
MAGISTRATE AMRAVATI

R.C.C. 847/2002

F. F. 01/07/2024

(In relations to Crime no. 75/2002 for the offences punishable
u/s 406, 409, 420, 468 r/w 34 & 120 (B) of I.P.C)

State of Maharashtra

V/s

Vasantrao Saurkar & others

(Since this matter is related back with the FIR dated 2002 and
as whole investigation was conducted under the old CR.P.C. of
1972 Act. this application is filed under the same Code (old
provision) viz;

APPLICATION U/S 239 OF CRIMINAL PROCEDURE
CODE, FOR AFFORDING AN OPPORTUNITY TO THE
ACCUSED OF BEING HEARD BEFORE FRAMING OF
THE CHARGE U/S 240 OF CR.P.C

The accused no. 21, namely Sanjay Agrawal respectfully

submits:
to file draft
charge by 2:00 P.m.

[Signature]
1/1/24

*and heard the
heard the
Held for the
accused.
The case
is for old
& even
made
bound.
Hence, as
do not find
ground, it
is rejected with
liberty charge*



- 1) In the present case the charges are proposed to be framed against all accused persons, either on for the commission of substantive offences or on the premises whether they are directly responsible or vicariously responsible.
- 2) It is a matter of record that no opportunity has been granted to the present accused of being heard, before framing of the charge.
- 3) The record of the case consists of approx. 2000 pages and sufficient time is required to go through the case paper.
- 4) No Charge draft is thereon record to see whether the proposed charges are justified/proper.

In support of this petition reliance is placed on;

2008 All Mah. (Cri.) pg. 3445

Wherein it is ruled by the Hon'ble Bombay High Court, inter alia that, the compliance of the Section 226 & 227 Cr.P.C. by the Sessions Judge and of Section 239 Cr.P.C. by the Magistrate is mandatory (Copy of judgment Annexed)

PRAYER: It is therefore prayed that, in the interest of justice before framing of charge;



- i. the proposed draft charge copy may be provided to the applicant accused
- ii. an opportunity of being heard be given to the applicant accused to opposed the proposed charge.

Submitted on: 11/2/17

Counsel for acc. 21

