

R.C.C.No.573/2002
State Vs. Sanjay Agrawal & Ors.
CNR No.MHWR030003432002

ORDER BELOW EXH.934
(Date 6th November, 2025)

Perused the application and say thereon. Heard the counsel for accused Nos.5, 8 and 11 to 13, counsel for accused No.1 and A.P.P.

2] This is an application filed by accused Nos. 5, 8 and 11 to 13 wherein they submit that accused No.1 has filed an application under section 216 of Cr.P.C. at belated stage after evidence of almost 15 witnesses. They submit that application for challenging the charge against accused No.1 would affect the others accused as well. In such a situation, filing of application by accused No.1 causes great prejudice to accused Nos. 5, 8 and 11 to 13. Hence, they pray for allowing them to argue application below Exh.894.

3] Accused No.1 in his say submits that only State has right to file reply on the application made by any accused. No co-accused have any right to file reply as well as to argue the matter. Hence, he prays for rejection of the application.

4] The A.P.P. has requested to pass appropriate order in the interest of justice.

5] It is settled position of law that the law primarily mandates that the accused against whom the charges prayed to be altered must be heard. Hence, the say of accused Nos. 5, 8 and 11 to 13 was not called. Their counsel argues that alteration of charge would prejudice these accused also. This argument has force. Hence, it would be justifiable to

give an opportunity to accused Nos. 5, 8 and 11 to 13 for participating in deciding Exh.894. Hence, this order.

ORDER

1. The application is allowed.
2. Accused Nos.5, 8 and 11 to 13 are allowed to file their say and argue application below Exh.894.

Wardha
Date: 06.11.2025

(G.V.Jangde-Deshpande)
Chief Judicial Magistrate,
Wardha.