

ITEM NO.46

COURT NO.3

SECTION II-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s). 731/2026

[Arising out of impugned final judgment and order dated 08-12-2025 in CRLA No. 1197/2023 passed by the High Court of Judicature at Bombay]

DEEPAK ANANTH & ORS.

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA & ANR.

Respondent(s)

IA No. 11456/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 11460/2026 - EXEMPTION FROM FILING O.T.

Date : 09-02-2026 This matter was called on for hearing today.

CORAM :

**HON'BLE MR. JUSTICE M.M. SUNDRESH
HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH**

For Petitioner(s) Mr. Shivaji M. Jadhav, AOR
Mr. Piyush P. Hushing, Adv.
Mr. Brij Kishor Sah, Adv.
Ms. Apurva, Adv.
Mr. Aditya S. Jadhav, Adv.
Mr. Amit Kumar Gupta, Adv.

For Respondent(s)

**UPON hearing the counsel the Court made the following
O R D E R
We have heard the learned counsel appearing for
the petitioners.**

Learned counsel appearing for the petitioners placed reliance upon an order passed by this Court in *Vijay & Ors. v. State of Maharashtra & Anr.- (2017)*

13 SCC 317.

In our considered view, the above case has got no application to the present case of the petitioners, as it was a case dealing with a situation where the provisions of Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') ought to have been exercised by the High Court, notwithstanding the availability of other remedy.

In the case on hand, the petitioners, consciously on their own, have first filed an application for discharge and during the pendency of the said application have subsequently filed an application under Section 482 of the Cr.P.C. which is a discretionary power.

In such view of the matter, we find no reason to interfere with the impugned order.

However, we make it clear that the order passed by the High Court or the order passed by us will have no bearing on the challenge made to the order which had rejected the discharge application.

The Special Leave Petition stands disposed of.

Pending application(s), if any, shall also stand disposed of.

(ASHA SUNDRIYAL)
DEPUTY REGISTRAR

(POONAM VAID)
ASSISTANT REGISTRAR