

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 240 OF 2015

MIRZA RAZZAK S/O MIRZA BAIG & ANOTHER
VERSUS
THE DIVISIONAL COMMISSIONER AURANGABAD & OTHERS

...

Advocate for Petitioner : Mr. Kanade Angad L.
APP for Respondent/State : Mrs. P.J. Bharad.
Advocate for Respondent No.2 : Mr. R.A. Tambe.
Advocate for Respondent Nos.3 to 6 : Mr. A.N. Kakade.

CORAM : S.S. SHINDE & A.M. BADAR, JJ.
DATE : 9th MARCH, 2015.

PER COURT:

1] Heard.

2] Perused the application. It is not in dispute that the representation dated 3.11.2014 filed by the petitioner is decided. However, it is the contention of the counsel appearing of the petitioner that the said representation is not properly decided. According to him, though there is misappropriation of Rs. 10 Lakhs, misappropriation is shown to be Rs. 2,80,500/-. Therefore, according to him, further enquiry of respondent Nos. 3 to 6 is necessary.

3] Learned counsel appearing for respondent Nos. 2, and 3 to 6 submit that there is proper enquiry and, therefore, this court may not entertain this petition.

4] Upon perusal of the prayers in the petition, since the representation made by the petitioner dated 3.11.2014 is already decided, prayer clause (B) of the petition is satisfied. So far as prayer clause (c) is concerned, it will be open for the petitioner to make representation to the respondent No.1 for such prayer. It is not possible for this Court in exercise

of writ jurisdiction to go into disputed questions of fact and reach certain conclusion. In that view of the matter, in the light of above, petition stands disposed of.

[A.M. BADAR]
JUDGE

grt/-

[S.S. SHINDE]
JUDGE.