

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3074 OF 2015

Shaikh Hanifabee W/o Sk Baba,
Age : 60 years, Occu.: Household,
R/o.: Dhakalgaon, Tq. Ambad,
Dist. Jalna. ..APPLICANT

VERSUS

The State of Maharashtra ..RESPONDENT

--

Mr.Y.K. Bobade, advocate for the applicant
Mrs.B.B.Gunjel, APP for respondent - State

--

CORAM : M.T. JOSHI, J.

DATE : JUNE 25, 2015

PER COURT :

Heard both sides.

2] The record shows that present applicant had, earlier, filed Criminal Application No.465 of 2015, which was rejected on merit on 17th February, 2015. In the said order, specific observations were made that due to dillydally tactics of the present

applicant, trial could not begun. A copy of the order dated 17th February, 2015 passed in Criminal Application No.465 of 2015, which is produced on record by learned counsel for the applicant, is taken on record and marked as "X" for the purpose of identification.

3] Learned counsel for the applicant Mr.Bobade, submits that the applicant has not given instructions regarding rejection of the earlier application filed by her and therefore, the same could not be mentioned in the present application. He, therefore, seeks withdrawal of the present application.

4] Taking into consideration the overall facts on record and that the earlier application filed by present applicant was rejected, *inter-alia*, on the ground of playing tactics with the Sessions Court and as the applicant has suppressed the fact of

rejection of earlier application from the Court as well as his counsel, in my view, this is not a fit case for allowing withdrawal of the present application.

5] In the circumstances, for the reasons already forwarded in earlier order dated 17th February, 2015 passed by this Court in Criminal Application No.465 of 2015, present application is rejected.

[M.T. JOSHI, J.]

kbp