

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.1 OF 2015
IN
PUBLIC INTEREST LITIGATION (ST.) NO.18 OF 2014**

Shri Annaso Balaso Desai Applicant.

V/s

The State of Maharashtra
and Others Respondents.

**WITH
CIVIL REVIEW PETITION (STAMP) NO.34478 OF 2014
IN
CIVIL PUBLIC INTEREST LITIGATION (STAMP) NO.7193 OF 2014
A/W
CIVIL APPLICATION NO.34479 OF 2014**

Shri Annaso Balaso Desai Applicant.

V/s

The State of Maharashtra
and Others Respondents.

Mr. Ashish Mehta a/w Mr. Prakash Mishra, Jaya Misal for the
Applicant.

Mr. Amit Borkar, Advocate for Respondent No.28.

Mr. Jennifer Michael i/b Apte & Co. for Respondent No.31.

**CORAM: V. M. KANADE &
A.R. JOSHI, JJ.**

DATE: 10th April, 2015

P.C.:-

1. For the reasons stated in Civil Application (St) No.34479 of 2014 taken out in Review Petition (Stamp) No.34478 of 2014, delay in filing the Review Petition is condoned.
2. Petitioner has filed the above Criminal Application as well as Review Petition seeking review of the order passed by us dated 13/10/2014.
3. By the said order, we have dismissed the PIL for the reasons mentioned in the said order. It is well settled that the order of review can be passed only on the grounds which fall within the parameters of Order 47 Rule 1 of the Civil Procedure Code.
4. In the present case, contention of the Petitioner is that an incorrect statement was made by the Respondents that the Petitioner's brother was a borrower against whom proceedings were initiated by the Bank and, therefore, as a counter-blast, a Writ Petition was filed by the Petitioner herein. It is submitted that there is material on record to show that, in fact, the borrower was not the brother of the Petitioner. It is submitted that the said order was obtained by misleading this Court and, therefore, the said order may

be recalled. Secondly, it is submitted that after the order was passed by this Court, one of the Petitioners who was 76 years old received a shock and died after getting an heart-attack.

5. We had, on the last occasion, asked the Counsel for the Petitioner to take instructions whether the Petitioner was willing to withdraw the said insinuation which is made against this Court. However, today, we are informed that the Petitioner has declined to withdraw the said allegation.

6. In our view, two grounds which are raised by the Petitioner are not sufficient for the purpose of reviewing the order passed by us. The Petitioner can challenge the said order in the Apex Court. Hence, the Criminal Application as well as Review Petition is dismissed. However, in our view, taking into consideration the fact that financial condition of the Petitioner is not very good, the order awarding cost of Rs 5 lakhs is recalled.

7. Criminal Application as well as Review Petition is disposed of in the aforesaid terms.

(A.R. JOSHI, J.)

(V.M. KANADE, J.)