

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL APPLICATION NO. 7 OF 2014
IN
CRIMINAL WRIT PETITION NO. 3060 OF 2012

Siddharth S/o Madhu Meghani

.....Applicant

V/s.

The State of Maharashtra and another

....Respondents

Ms. Sneha Singh i/b Mr. A. M. Saraogi for Applicant
Ms. Sweta Sangtani APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.
DATED : AUGUST 25, 2015.

PC :

Heard. Applicant herein prays that order dated 13/12/2013 be quashed and set aside/recalled and Criminal Writ Petition No. 3060 of 2012 be restored to its original status. On 13/12/2013, this Court (Coram: K. U. Chandiwal, J.) (Retired) had heard the submissions of the learned counsel for the petitioner. Learned counsel has sought liberty to withdraw the petition to adopt appropriate legal course. That Mr. Niranjana Mundargi appearing for original complainant had submitted before the Court that on 13/12/2013, that evidence before charge is in progress and P. W. 1 is under examination-in-

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chief. In view of the said submission, learned counsel for the petitioner had withdrawn the writ petition. Today, by this application, learned counsel is seeking restoration and recalling of the said order. The said application was filed on 23/12/2013, however, no steps are taken to take the matter on board.

2) This Court (Coram: Sadhana S. Jadhav, J.) on 18/01/2014 had, at the request of learned counsel for the applicant, adjourned the matter for 6 weeks. Today, in the present case, there is no averment to show that learned counsel for the complainant had made an incorrect statement due to which learned counsel for the petitioner had withdrawn the petition. It is submitted that on that day, there was no reason for Advocate of the applicant to disbelieve the statement made across the bar by the learned counsel for the complainant. It is stated that in para 4 that prosecution witness Keith Nazareth had entered into the witness box and had only given his particulars which does not amount to commencement of or beginning of examination-in-chief in any manner. A bald statement is made that Advocate has made a false statement by suggesting before the Court that evidence has already started which was against the factual position.

3) Learned counsel for the applicant has not placed on record the copy of

Rozanama to substantiate that the trial has not commenced. No particulars are mentioned. Although, learned counsel had submitted before the Court that on 13/12/2013, that he would recourse to appropriate legal course, learned counsel appearing for the applicant is not able to make any statement as to whether any appropriate legal course was taken.

4) In view of this, application, being sans merits, stands rejected.

(SMT. SADHANA S. JADHAV, J.)