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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 195 OF 2015
IN
CRIMINAL WRIT PETITION NO. 894 OF 2015**

Central Bureau of Investigation and anr. ... Applicant

In the matter of :

Rasiklal Manikchand Dhariwal ... Petitioner

Versus

Central Bureau of Investigation and anr. ... Respondents

Mr. Ravindra Adsure i/by Mr. Subhash Jadhav for petitioner.

Mr. Milind Sawant along with Mr. Anil Singh, Additional Solicitor General for the C.B.I.

Mr. G.P. Mulekar, A.P.P. for the State.

**CORAM : M.L. TAHALIYANI, J.
DATED : JUNE 23, 2015**

P.C.

Admit. Heard finally.

2. Heard learned Additional Solicitor General for the CBI and Mr. Ravindra Adsure for original writ petitioner in W.P. No. 894 of 2015.

3. This court is moved by the CBI for recalling the order passed in Writ Petition No. 894 of 2015 directing return of passport to the original Petitioner Rasiklal Dhariwal for renewal. The passport was ordered to be returned to the original petitioner on certain conditions and on execution of bond of Rs. 1 lac.

4. The recall is sought on the ground that the order dated 18th April, 2015 was obtained by suppressing certain material facts. It is submitted by Additional Solicitor General that there are entries in the passport which will prove, at the time of trial, that the original writ petitioner had travelled abroad on particular occasions. The CBI has an apprehension that if the passport is handed over to the original petitioner, he may tamper with the entries in the passport.

5. Before I proceed further, it is necessary to mention here that this is a criminal application for recall of the order and such prayer can be considered only when some serious error is brought to the notice of the court. I have gone through the order dated 18th April, 2015 and the error which is brought to my notice is that instead of telling the court that there was stay on execution of warrant, the original petitioner has submitted that there was stay on the proceedings. The other error which is brought to my notice is that Mr. Sushil Kumar, Senior counsel on behalf of the original petitioner had submitted that the petitioner was proposed accused and not accused named in the FIR. Even if it is assumed for the sake of arguments that there are two errors in the order, they are not of serious nature and could not have in any manner changed the direction of the earlier order passed by this court. It may be noted here that though more than eight years have passed, the chargesheet is not in the sight. In my opinion, minor errors brought to my notice do not warrant recall of the order.

6. In view of the above, I do not find substance in the application. Prayer for recall of the order is rejected. Application stands disposed of accordingly rejected.

(JUDGE)