

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

Criminal Application (APPP) No.1480 of 2014

in

Criminal Application No. 774 of 2010

P. Gauri -Vrs.- Automark Industries (India) Limited.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri R.S. Sundaram, advocate for applicant.
Shri Masood Shari, Advocate for non-applicant.

CORAM : P.N. DESHMUKH, J.

DATED : 08th MAY, 2015

Heard learned counsel for both sides. By this application, applicant original accused has prayed for recalling and modification of order dated 20.8.2014 vide which this Court has disposed of Criminal Application No.774/2010.

2. Before proceeding with the hearing in this application, by consent of learned counsel for the parties, matter was referred for mediation. However, according to the mediation report dated 15.4.2015, as mediation failed, the case is heard on merits.

At the outset, it is material to note that during the course of arguments, the learned counsel for applicant could not point out the provision of law under which present application came to be filed seeking review of order dated 20.8.2014.

Criminal Application No.774/2010 came to be disposed of by this Court in view of guidelines of the Apex Court in the case of **Dashrath Rupsingh Rathod Vs. State of**

Maharashtra and another and on considering the fact that criminal complaint being Summary Criminal Case no. 833/2009 was at the fag end of the trial which was posted for arguments, there could not be any impediment of the ratio laid down in the case of Dashrath Rupsingh Rathod and accordingly criminal application was disposed of as dismissed.

In the facts of above circumstances, I find no substance in the review application as even otherwise, this Court has very limited powers to review or modify its own order/judgment.

Learned counsel for the applicant has contended that during the pendency of present application there is change of Presiding Officer and in support thereof has placed on record copy of Roznama. In that view of the matter, following order is passed.

ORDER.

1. Criminal Application (APPP) No.1480/2014 in Criminal Application No.774/2010 is dismissed reserving liberty in favour of the applicant/accused to take all necessary steps what so ever are available in law before the trial court.
2. The ad interim stay to Criminal Case No. 833/2009 passed on 5/12/2014 stands vacated.
3. No order as to costs.

JUDGE