

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 629 OF 2016

Vijaykumar s/o. Babulal Sharma .. Petitioner

Versus

Superintendent of District Prison .. Respondents

Mr. S.S. Gangakhedkar, Advocate for the petitioner.
Mr. A.R. Borulkar, A.P.P. for respondent/State.

**CORAM : A.V.NIRGUDE &
V.L. ACHLIYA, JJ.**

DATED : 08.06.2016

P.C. :-

1. Heard. Learned A.P.P. waives service of notice for sole respondent.

2. In the facts and circumstances of the case, we are not inclined to use our powers under section 482 of Criminal Procedure Code r/w Article 226 of the Constitution of India. Learned Counsel for the petitioner relied upon a judgment of Division Bench of this Court in the case of Abidkhan @ Salman Mukhtar Khan Pathan Vs. State of Maharashtra & Ors., 2013(4) Bom.C.R. (Cri.)752. The judgment referred to us should be read in the context of the facts of the case. In the reported judgment, the Court exercised powers to correct errors committed by the Lower Courts. In this case, we cannot even indicate that

there was error on the part of this Court and the Apex Court. We are, therefore, unable to exercise powers under the above mentioned provision, even if such power is available to us.

3. In view of above, the criminal writ petition stands dismissed.

[V.L. ACHLIYA, J.]

[A.V.NIRGUDE, J.]