IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 212 OF 2016
IN
CRIMINAL REVISION APPLICATION NO. 157 OF 2016

Ashok Sevakram Gangwani ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Ganesh Gole for the Applicant

Mr. A. S. Shitole, A.P.P for the Respondent-State

Mr. Niranjan Mundargi for the Original Accused

CORAM : REVATI MOHITE DERE, J.
THURSDAY, 14th JULY, 2016

P.C. :

1. Heard learned Counsel for the applicant, learned A.P.P for the State and the learned Counsel for the original accused.

2. As the Judge, who has passed the order dated 18th December, 2015 is not available, being in Aurangabad, the present application is placed before me as per the Roster. By this application, the applicant seeks the following prayer :

> *"a. This Hon'ble Court under its inherent powers, be pleased to recall order dated 18.12.2015 passed in*

Criminal Writ Petition No. 968 of 2015 suo moto converted into Criminal Revision Application No. 157 of 2016 and be pleased to restore order dated 13.02.2015 of further investigation passed by the Ld. Magistrate."

3. At the outset, learned A.P.P as well as learned Counsel for the original accused have raised a preliminary objection, with regard to the maintainability of the aforesaid application seeking recall of the order dated 18th December, 2015 passed in Criminal Writ Petition No. 968 of 2015, which was converted into a suo motu revision application. It is submitted that the said order dated 18th December, 2015 was passed on merits and as such the only remedy available to the applicant, is to challenge the said order in the Apex Court.

4. Perused the order dated 18th December, 2015, which is on page 121 of the application. The said order has been passed on merits after hearing all the parties, and hence, it is not possible to recall the order.

5. Accordingly, the application is disposed of.

REVATI MOHITE DERE, J.