

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2002 OF 2015

Shri Ramakant Motiram Mhatre

..... Petitioner

V/s

The State of Maharashtra & Anr.

..... Respondents

Ms. Shruti Kandoi i/b Mr. Umesh R. Mankapure for the Petitioner.

Mr. K.V. Saste, APP for the Respondent No.1/State.

Mr. Sambhaji Jadav, Police Inspector, Rabodi Police Station.

CORAM : A.S. OKA &

A.A. SAYED, JJ.

DATED : 10 OCTOBER 2016

ORDER:

1 An adjournment is sought on behalf of the Petitioner on the ground that the Advocate for the Petitioner has filed a leave note. The learned APP on instructions of Mr. Sambhaji Jadav, P.I. of Rabodi Police Station, states that till today, the Petitioner has not surrendered. We accept the said statement.

2 Order dated 26 September 2016 reads thus:

“The learned Counsel appearing for the Petitioner states that the Petitioner will surrender before the Police on or before 3 October 2016 (Monday). We accept the said statement. Place the Petition on 10 October 2016, high upon board.”

3 As the Petitioner has committed the breach of the statement recorded in order dated 26 September 2016, the Petitioner cannot be allowed to invoke extra-ordinary jurisdiction of this Court under Article 226 of the Constitution of India. It is well settled that power under section 482 of the Code of Criminal Procedure, 1973 must be exercised sparingly.

4 Considering the aforesaid conduct of the Petitioner, we dismiss the Petition.

(A.A. SAYED, J.)

(A.S. OKA, J.)

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