

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.389 OF 2016
IN
CRIMINAL WRIT PETITION NO.1125 OF 2009**

A.R. Sampathkumar Applicant

versus

B.S. Garg ... Respondents

Mr.A.R. Sampathkumar, applicant in person.
Mr.A.M. Saraogi, Advocate a/w Sushil Upadhyay a/w Mr.Ajay
Fernandes, Advocate for original petitioner.
Ms.Pallavi Dabolkar, APP for the State/Respondent.

**CORAM : MRS.MRIDULA BHATKAR, J.
DATE : 15th DECEMBER, 2016.**

P.C. :

1. This criminal application is moved in Writ Petition No.1125/09. By this application the original complainant prays that his complaint to be forwarded to CID, Commissioner of Police, u/s 156 of Cr.P.C. for investigation and also process to be issued against the accused and also remand penalty/costs.

2. The learned counsel Mr.Saraogi at the outset took objection of the maintainability of this application. He submitted

that by order dated 07/04/2015 the Writ Petition No.1125/09 was allowed and rule was made absolute in terms of para No.33 of the impugned order. Hence this application seeking relief against the respondent is not maintainable.

3. Perused the said order dated 07/074/2015 passed by this Court. This court has given the specific directions to all the parties to go before the learned Magistrate and the learned Magistrate is directed to take proper action in the matter and call the information in course of enquiry and trial which was expected to proceed against accused Nos.1, 3 and 7 and also directed the learned Magistrate to take proper action in respect of accused Nos.1, 3 and 7. Hence the petitioner cannot make application seeking such relief in the disposed of writ petition, which was filed by the respondents.

4. In view of this the application is not maintainable. Hence dismissed.

(MRIDULA BHATKAR, J.)