

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

CRIMINAL APPLICATION (APPP) NO.955 OF 2014
IN
CRIMINAL APPLICATION (APL) NO.258 OF 2013.

State of Mah. Thr.D.C.P., EOW, Crime Branch, Nagpur.

..VS...

Shashikant Eknath Shinde

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

Court's or Judge's orders

Mr.S.M.Uke, Advocate in person.
Mrs.Ketki Joshi, APP for the State.

**CORAM : B.P.DHARMADHIKARI AND
P.N.DESHMUKH, JJ.**

DATED : APRIL 20, 2016.

As Advocate Shri Lonare has withdrawn from proceedings, Pursit St.Nos.2789 of 2014 and 2838 of 2011 filed by him are removed from record.

Heard for some time.

Effort of applicant Shri Uke is to demonstrate that the law sought to be extracted and relied upon from judgment of this Court dated 2nd of July, 2013 in Criminal Application (APL) No.258 of cannot be used against him in Criminal Application No.874 of 2014 moved in Criminal Application No.491 of 2013

We find that contention is when State of Maharashtra permitted filing of a challenge under Section 482 of the Code of Criminal Code by individual

officers alleged to be accused, on the strength of that permission State of Maharashtra itself could not have presented the proceedings under Section 482 of the Cr.P.C.

Those proceedings were presented by State of Maharashtra and one Shashikant Eknath Shinde was the only respondent therein, Shri Uke is not party to that litigation. Only because of possibility of use of that judgment against him in Criminal Application No.491 of 2013, he has moved Criminal Application No.955 of 2014.

During arguments Shri Uke has invited our attention to order dated 6th of August, 2014 passed in Criminal Application (APPP) No.874 of 2014. We find that said application has been found to raise the question –

“Whether Criminal Application No.491 of 2013, has been validly presented on behalf of the State of Maharashtra ?”

Therefore, it is apparent that relevance and applicability of said judgment dated 2nd of July, 2003 is already disputed in Criminal Application No.491 of 2013 by Shri Ukey only. He raised all the relevant contentions to distinguish the said judgment and the law which according to him State Government wishes to extract from it. Thus, reference of said judgment can be independently examined in Criminal

Application Nos.491 of 2013 or 874 of 2014.

It is not necessary for this Court to recall that judgment, hence efforts being made in Criminal Application No.955 of 2014 are misconceived.

Therefore, in the light of above observations we dispose of Criminal Application No.955 of 2014.

No costs.

JUDGE

JUDGE

Chute.