

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 285 OF 2016

Sabhapati Mahavir Mishra

....Petitioner

V/s.

State of Maharashtra & Ors.

....Respondents

* * * * *

Mr. Altaf Khan i/by. Ms. Anjali Awasthi, Advocate for the petitioner.

Mr. Manoj Harit, i/by. Manoj Harit & Co., Advocate for respondent no.2.

CORAM :-

R.M. SAVANT &

SANDEEP K. SHINDE, JJ.

DATE :-

24TH AUGUST, 2017.

P.C. :-

1. At the outset, the Learned Counsel for the petitioner seeks leave to amend so as to place on record, the order dated 22nd May, 2017 and the consequential amendments. Leave granted in terms of the draft handed

in so as to incorporate paras-(x) to (xvi), prayer clauses [A-1], [B-1] and [B-2] and the order dated 22nd May, 2017.

2. The order dated 22nd May, 2017 passed by the Learned Metropolitan Magistrate, 62nd Court, Dadar, Mumbai is now sought to be challenged by way of the amendment which is allowed by the instant order. In our view, if the petitioner is aggrieved by the said order dated 22nd May, 2017 passed by the Learned Metropolitan Magistrate, it would be open for him to invoke the remedy which is available under the Criminal Procedure Code. This Court does not deem it fit to exercise its writ jurisdiction, by relegating the petitioner to the said remedy, the above petition is disposed of.

(SANDEEP K. SHINDE, J)

(R.M. SAVANT, J)