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APPW-46-2016 (sr.no.11)

Monday, 13.2.2017

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 46 OF 2016
IN
WRIT PETITION NO. 4293 OF 2012

IN THE MATTER OF :

Santosh Kumar Mishra

.....Applicant/
Petitioner

V/s.

State of Maharashtra

.....Respondent

* * * * *

Mr. Santosh Kumar Mishra, petitioner-applicant in person.

Mr. V.B. Konde Deshmukh, APP for respondent, State.

CORAM :- SMT. R.P. SONDURBALDOTA, J.

DATED :- 13th FEBRUARY, 2017.

P.C. :-

1). By the order dated 16th December, 2015, the Bench presided over by Mr. A.V. Nirgude, J (as he then was) disposed off petitioner's writ petition expressing an opinion that further investigation sought by the petitioner is really uncalled for as the chargesheet is already filed. The petitioner, at that time, had also alleged that the accused are a part of an organised crime. In that case, the Court expressed an opinion that, if any untoward incident occurs, the petitioner may lodge a fresh complaint. The petitioner

has filed the present application for recall/review/setting aside of that order.

2). The petitioner, who is appearing in person, submits that the order is required to be set aside since the opinion expressed by the Court that further investigation is uncalled for as the chargesheet is already filed, is not correct. This means, the petitioner seeks to challenge the order on its merits which cannot be done by way of an application for review of the order. Hence, the application is dismissed.

(SMT. R.P. SONDURBALDOTA, J)