

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.852 OF 2013

Murari Mohan Adhikari	...	Petitioner
Vs.		
The State of Maharashtra and Anr.	...	Respondents

Mr. Murari Mohan Adhikari, the Petitioner, is present in person.
Mrs. A.S. Pai, A.P.P., for Respondent No.1-State.
Mr. Kunal Waghmare for Respondent No.2-M.C.G.M.

CORAM : RANJIT MORE &
DR. SHALINI PHANSALKAR-JOSHI, J.J.

DATE : 29TH NOVEMBER 2017.

P.C. :

1. Heard Petitioner, who is appearing in person; learned counsel for Respondent No.2 and learned A.P.P. for the Respondent-State.

2. This Petition is filed for following reliefs :-

- (i) *To quash and set aside the impugned order dated 15th February 2007 passed by the learned 42nd Metropolitan Magistrate's Court*

as well as to quash and set aside the impugned order dated 7th July 2012 passed by the learned Sessions Court in M.A. No.1974 of 2011;

- (ii) By an appropriate Writ, Order or Direction upon the Respondents to give compensation of Rs.20 Lakhs for filing false case, which caused harassment, mental agony and tension and also for loss of business;*
- (iii) To condone the delay in filing this Writ Petition be condoned in the interest of justice.*

3. By order dated 15th February 2007, passed by the learned Metropolitan Magistrate, 42nd Court, Mumbai, in C.C. No.6671/MF/2003, the Petitioner was convicted under Section 255(2) of the Cr.P.C. for the offence punishable under Section 471 r/w. Section 390 of M.M.C. Act and sentenced to pay fine of Rs.2,500/-; in default, to suffer S.I. for one month. The Petitioner has challenged this order by filing an Appeal; however, there was delay and hence, the Petitioner has filed Miscellaneous Application No.1874 of 2011. The learned Additional Sessions

Judge, Mumbai, by his order dated 7th July 2012, refused to condone the delay. The Petitioner has, thereafter, approached this Court by filing Writ Petition No.3669 of 2012, challenging the order of the learned Magistrate as well as learned Sessions Judge, as referred above.

4. Petitioner's prayers in Writ Petition No.3669 of 2012 are as follows :-

- (i) *By an appropriate writ, order or direction of this Hon'ble Court, the record and proceedings in respect of C.C. No.6379/ML/02 filed at 42nd M.M. Court be called for;*
- (ii) *After going through the same, by an appropriate writ, order/direction of this Hon'ble Court, the impugned order dt. 15th February 2007 passed by the Ld. M.M. 42nd Court be quashed and set aside;*
- (iii) *After going through the same, by an appropriate writ, order/direction of this Hon'ble Court, the impugned order dt. 7th July 2012 passed by the Hon'ble Sessions Court in M.A. 1873 of 2011, be quashed and set aside.*

(iv) *By an appropriate writ, order or directions of this Hon'ble Court, the Respondent No.1 be asked to give compensation of Rs.20 lakh to me for filing false complaint, for harassment and for loss of my business.*

5. Writ Petition No.3669 of 2012 was placed before this Court and the Division Bench comprising of S.C. *Dharmadhikari and G.S. Patel, J.J.*, by order dated 28th August 2013, dismissed the said Petition.

6. The Petitioner has again approached this Court by way of filing present Petition with the similar prayers, which were earlier rejected by this Court. Writ Petition, accordingly, is not maintainable and, therefore, we dismiss the same.

[DR. SHALINI PHANSALKAR-JOSHI, J.]

[RANJIT MORE, J.]