

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.1641 OF 2016

Jayvant Gopal Bhagat & Ors.

.... Petitioners

Vs.

The State of Maharashtra & Ors.

.... Respondents

Mr. Yogesh Dalvi for the Petitioners.

Mr. N.B. Patil, APP, for the Respondent-State.

CORAM: S.C. DHARMADHIKARI &
PRAKASH D. NAIK, JJ.

DATE : APRIL 07, 2017

P.C:

1. Having heard the petitioners' Advocate and finding that he has apologised for his absence on the earlier occasion, we do not dismiss the writ petition for want of prosecution.

2. By consent of the petitioners' Advocate, we have heard the petition on the point of admission.

3. Upon perusing the FIR, copy of which is annexed to

the writ petition, we are of the firm opinion that there is a *prima facie* case and disclosed against the petitioners. This case does not fall within the parameters of our inherent or writ jurisdiction as neither the criminal prosecution can be termed as an abuse of the process of the Court nor can we from a reading of the FIR as a whole arrive at the conclusion that the same does not disclose commission of any offence. In the circumstances, we decline to exercise our jurisdiction, as above. The writ petition is dismissed.

(PRAKASH D. NAIK, J.)

(S.C. DHARMADHIKARI, J.)