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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 228 OF 2016
IN
CRIMINAL WRIT PETITION NO. 2906 OF 2012

Shri Sainath Dharmaji Chandrawale

.. Applicant

Vs.

The State of Maharashtra through
its Ghodegaon Police Station and anr.

.. Respondents

Mr. Vishwanath S. Talkute for applicant.

Mr. J. P. Yagnik, APP for State.

CORAM: NARESH H. PATIL &
A. M. BADAR, JJ.

DECEMBER 20, 2017.

P.C.

1. This application is filed by the applicant – original petitioner for recalling order dated 18/3/2016 passed by this court in Criminal Writ Petition No. 2906 of 2012. The applicant seeks condonation of delay of 14 days in filing the application.

2. The learned counsel for the applicant submits that Criminal Writ Petition No. 2906 of 2012 was admitted by an order dated 4th October,

2012. A praecipe was moved by the learned APP on 7/3/2016 for fixing date of hearing of the said petition. By an order dated 18/3/2016, the order under review was passed. The learned counsel submits that in fact the applicant-petitioner was under impression that court had permitted the applicant-petitioner to amend the petition by challenging charge-sheet. But the applicant later on found that no such liberty was given to him. The learned APP submits that charge-sheet has already been filed and the applicant may resort to appropriate remedy under Cr. P. C.

3. We have perused the record, considered the submissions advanced. To provide fair opportunity to the applicant- petitioner, we condone the delay in filing present application and recall the order passed on 18/3/2016 in Writ Petition No. 2906 of 2012 with clarification that filing of the charge-sheet by the State is saved. Criminal Writ Petition No. 2906 of 2012 is restored to file. The applicant-petitioner is at liberty to amend the said Writ Petition.

4. Criminal Application is disposed of accordingly.

(A. M. BADAR, J.)

(NARESH H. PATIL,J.)