

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 704 OF 2016
ALONG WITH
CRIMINAL APPLICATION NO. 706 OF 2016

Bhimraj alias Bhimrao Rohidas Ghadge. .. Applicant.
Vs
State of Maharashtra and Others. .. Respondents

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Shri Nitin P. Dalvi for the Applicant.
Ms.R.M.Ghadvi, Additional PP for the Respondent No.1 in APL No.704
of 2016.
Shri N.B. Patil, APP for the Respondent No.1 in APL No.706 of 2016.
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CORAM : A.S. OKA &
SMT.ANUJA PRABHUDESSAI, JJ

DATED : 9TH MARCH 2017

PC.

1. The submissions of the learned counsel appearing for the Applicant were heard on 1st March 2017 when we had indicated to the learned counsel appearing for the Applicant that we are not inclined to interfere at this stage. As the Applicant is in custody, we granted time to enable the learned counsel appearing for the Applicant to take instructions. It appears that on 2nd March 2017, the Applicant forwarded an Application to the Sessions Court through jail. In the said Application, he alleged that without giving an opportunity of being heard to his counsel, this Court is insisting that the Applications should be withdrawn. This statement is not only factually incorrect but also

contemptuous. Moreover, if the Applicant wanted to remain present at the time of hearing of this Application, he ought to have made an Application to this Court in the pending Applications. Instead of doing so, he made an Application to the Sessions Court on 2nd March 2017 after the matter was adjourned by this Court to 17th March 2017 to enable the Advocate to take instructions. On the basis of the Application dated 2nd March 2017, the Sessions Court directed the jail authorities to produce the Applicant before this Court today.

2. Today, the Applicant has filed an affidavit in Criminal Application No.704 of 2016. He has tendered unconditional apology for the statement made by him in the Application dated 2nd March 2017 to the effect that this Court did not hear his counsel. He has accepted that it was his mistake. In Paragraph 3 of the said affidavit, he has stated that he wants to withdraw both the Applications.

3. As the Applicant has immediately offered to tender an unconditional apology after the objectionable statement made in the Application dated 2nd March 2017 is brought to the notice of this Court, we accept the unconditional apology tendered by him.

4. Accordingly, the unconditional apology tendered by the Applicant is accepted. Therefore, no further action is called for.

5. As stated in Paragraph 3 of the affidavit, both these Applications are disposed of as withdrawn. However, all contentions on merits are expressly kept open which can be agitated at an appropriate stage.

(SMT.ANUJA PRABHUDESSAI, J)

(A.S. OKA, J)