

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO. 4278 OF 2016

Sanjay Sinha

..Petitioner

v/s.

Apple Logistics & Ors.

..Respondents

Mr. Mathew Nedumpara & Bejoy Krishna Adhikari & R.R. Nair i/b.
C.J.Joveson for the Petitioner.

Dr. F.R.Shaikh, APP for the Respondent Nos. 12 to 14.

**CORAM : A.S.OKA & ANUJA PRABHUDESSAI, JJ.
DATED : 11TH JANUARY, 2017**

P.C.

1. Not on Board. On production, taken on board.
2. Heard learned Counsel appearing for the petitioner. The petitioner is challenging the orders passed by the Court of the Metropolitan Magistrate at Malkajgiri, Hyderabad in the State of Telangana. There is a consequential challenge to the first information report registered on the basis of the orders of the learned

Magistrate by the Malkajgiri Police Station.

3. The submission of the learned Counsel appearing for the petitioner is that in view of clause (2) of Article 226 of the Constitution of India, this petition can be entertained by this Court. The petitioner has described himself as a businessman who is residing in a prominent locality in Mumbai. He is carrying on business of logistics services such as supply of vehicles and drivers. It is not his case that by reason of poverty, he is not able to approach the concerned High Court. The writ jurisdiction of this Court under Article 226 is always discretionary. The petitioner can always approach the concerned High Court and file appropriate proceeding. We, therefore, in the facts of the case, decline to entertain this petition only on that ground. The petition is accordingly disposed of with liberty to the petitioner to file appropriate proceedings before the concerned High Court.

(ANUJA PRABHUDESSAI, J.)

(A.S.OKA, J.)