

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRI. APPLICATION (BA) NO. 161 OF 2017

(TWINKLE RAVIKANT UKEY...VS.. STATE OF MAH. THR. P.S.O. PS HUDKESHWAR, NAGPUR)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.M.Jaltare, Advocate for applicant.
Shri M.J.Khan, A.P.P. for Non-applicant.

CORAM : Z.A.HAQ, J.

DATED : JUNE 12, 2017.

Heard.

The applicant is arrested in crime registered against him for the offence punishable under Section 302 of the Indian Penal Code. Misc. Criminal Application No.313 of 2016 filed by the applicant under Section 439 of the Code of Criminal Procedure is rejected on 16th February, 2016. The applicant then filed application under Section 330 read with Section 439 of the Code of Criminal Procedure through her advocate seeking order for release on bail on the ground that she requires treatment from Psychiatrist which she may not get in jail. This application is rejected by the learned Additional Sessions Judge by the order passed on 3rd February, 2017, recording that as per the report of Superintendent, Central Prison, Nagpur and the report of Chief Medical Officer and the medical papers annexed to the report, the applicant is examined on several occasions by Medical Officer and Chief Medical Officer and is provided necessary medication. It is recorded in the order passed by the learned Additional Sessions Judge that the applicant is also provided with required treatment by visiting Psychiatrist Dr. Pravin Navkhare.

The present application filed before this Court is supported by affidavit of Vijayak Suryabhan Godghate (father of the accused). There is no explanation why the application filed before the Sessions Court was not in consonance with the requirements of proviso below sub section (1) of Section 330 of the Code of Criminal Procedure.

Confronted with the above facts, the learned advocate for the applicant has sought permission to withdraw the present application as also the application filed before the Sessions Court under Section 330 read with Section 439 of the Code of Criminal Procedure with liberty to file proper application.

Considering the facts of the case, the request made by the learned advocate for the applicant is granted. This application is **disposed** as withdrawn.

The application filed by the applicant through her advocate before the Sessions Court under Section 330 read with Section 439 of the Code of Criminal Procedure is also disposed as withdrawn. Consequently, the order passed by the learned Additional Sessions Judge on that application on 3rd January, 2017 does not survive.

Father of the applicant/ accused will be at liberty to file proper application in the matter, before the Sessions Court, if so advised.

JUDGE