

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

Criminal Application (APPW) No. 134 of 2017

in

Criminal Writ Petition No. 931/2016

Mahadev Shriram Dhabekar v. State of Maharashtra and ors.

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

Court's or Judge's orders

Shri S.K. Tambde, Advocate for applicant.

Shri A.M. Deshpande, A.P.P for the respondent for respondent no. 1 & 3

Shri R.M. Ahirao for respondent no. 2

**CORAM : P.B.Varale and
 M.G.Giratkar, JJ.**

DATE : 26.7.2017.

Heard Mr. Tambde, the Learned Counsel for the applicant/petitioner.

At the outset, the learned counsel for the applicant orally prays for correction/amendment in the application.

The learned counsel submits that due to inadvertence, a typographical error has occurred in Paragraph No. 2 of the application. He submits that it is stated in Paragraph No. 2 that *“the matter was listed on 19/06/2017. This Honorable Court was not inclined to admit or adjudicate the petition”*. He submits that words “or adjudicate” are appearing due to inadvertence and it is clearly a typographical error. He tenders unconditional apology for the error and inadvertence.

In view of the submission of Mr. Tambde-learned counsel, the oral prayer for correction/ amendment to the effect of deleting words “*or adjudicate*” appearing in paragraph 2 of the application, is allowed.

Necessary correction/ amendment be carried out during the course of the day.

In so far as the submission of the Learned Counsel in respect of prayer in the application is concerned, the learned counsel submits that while seeking Internet copy of the order dated 19.6.2017 in Crei.W.P. No.931/2016, the applicant received the copy showing that the order passed on 19th June, 2017 in Criminal Application (APPW) No. 72/2017 as well Criminal Writ Petition No. 931/2016. It is submitted that in view of the copy received by the applicant, appropriate order be passed in Criminal Writ Petition No. 931/2016.

On a perusal of the Court's record, we find that the prayer in the application is completely misconceived. The original copy of order, duly signed, which was passed on 19.6.2017, is there on record. The said order is the same, which was passed on that day.

There may be some error in uploading the order on Internet. The Court record clearly shows that the order passed in Criminal Writ Petition No. 931/2016 name of Mr. Tambde, learned Counsel appears representing the petitioner.

The order passed on 19.6.2017 reads thus :

“Heard.

The learned counsel for the petitioner, on instructions, submits that in view of filing of the charge-sheet before the competent Court, the petitioner be permitted to withdraw the petition with liberty to avail the other remedies including filing of an application before the Competent Court, seeking challenge to the charge-sheet.

Permission to withdraw the petition is granted.

The criminal writ petition is disposed of as withdrawn with the liberty as prayed for.”

In view of the Court's record, we see no reason to allow the application, as prayed for. APPW No.134/2017 deserves to be dismissed and the same is accordingly dismissed.

JUDGE

JUDGE