

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

**CRI. APPLICATION (BA) NO. 703 OF 2017**

(ANAND PRAKASH DODDAMANI....VS.. STATE OF MAH.THR.P.S.O., SITABULDI, NAGPUR)

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

Shri E.M.Papinwar, Advocate for Applicant.  
Shri Neeraj Patil, A.P.P. for Non-applicant.

**CORAM : Z.A.HAQ, J.**

**DATED : JULY 31, 2017.**

Heard.

The applicant had filed Criminal Application (BA) No.23 of 2017 through Shri S.A. Jamkar, Advocate before charge-sheet was filed. On 31<sup>st</sup> March, 2017 when the matter was listed, it was pointed out to the Court that charge-sheet is filed and the learned advocate for the applicant sought permission to withdraw the application with liberty to move the Sessions Court as charge-sheet is filed. This Court disposed the application as withdrawn and granted liberty as prayed for.

After filing of the charge-sheet Sessions Court rejected the application filed by the applicant and therefore, Criminal Application (BA) No. 528 of 2017 was filed before this Court through Ms Sheetal S. Deshpande, Advocate. The order passed on this application on 19<sup>th</sup> June, 2017 shows that after arguing for some time the advocate for the applicant sought permission to withdraw the application and the application was disposed accordingly.

Another application i.e. Criminal Application (BA) No. 611 of 2017 was filed through Ms Sheetal S. Deshpande, Advocate which was withdrawn on 7<sup>th</sup> July, 2017.

Now, this application is filed through another advocate. In the application there is no reference/ statement that Criminal Application (BA) No. 528 of 2017 and Criminal Application (BA) No. 611 of 2017 were filed and withdrawn.

The learned advocate for the applicant submitted that the present application is filed on the ground that after disposal of earlier application there is change in circumstances. On being asked about change in circumstances, para 33 of the application is pointed out, which reads as follows:

*“33. That the change of circumstances are that the mother of the applicant is very serious and the applicant is the elder son of mother and hence she needs her son's care and company.”*

The averments of this paragraph are as vague. On being asked whether any documentary evidence in the form of medical record is available to substantiate the contention that mother of the applicant is seriously ill, some papers are handed over. On examining the papers it is found that prescriptions / reports showing treatment given to Mr. Prakash Doddamani (father of the applicant) during the period from 2013 to 2016 are being relied upon by the applicant. Obviously, these documents are much prior to the disposal of the earlier three applications. Not a single document/ Medical Certificate/ Prescription in the name of mother of the applicant is shown. Thus, there is reason to

believe that the applicant tried to take this Court for a ride, initially by suppressing the fact that two earlier applications are disposed and then making misleading submission that mother of the applicant is seriously ill.

For the above reasons, the application is **dismissed.**

**JUDGE**

*RRaut..*