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

WRIT PETITION NO. 2337 OF 2013

Sanjay S/o. Anandkumar Jain	... Petitioner
V/s.	
The State of Maharashtra & Anr.	... Respondents

Mr. A.M. Saraogi for the Petitioner.
Mr. J.P. Yagnik, APP for Respondent – State.

CORAM:	B.R. GAVAI, & RIYAZ I. CHAGLA, JJ.
DATE:	18TH DECEMBER, 2018.

PC:-

1. The Petitioner has approached this Court after first Petition (W.P. No. 3136 of 2009) was withdrawn vide order dated 14th January, 2013. After perusal of the said order, it reveals that while withdrawing said Petition, the Petitioner has not sought liberty to file fresh Petition. In that view of the matter and in view of law laid down by the Apex Court in the case of ***Sarguja Transport Service Vs. State Transport Appellate Tribunal***¹, the present Petition is not tenable. The Petition is therefore, rejected.
2. At this stage, Shri Saraogi, the learned counsel for the Petitioner seeks leave to file an application for discharge before the learned Sessions Judge.

1 (1987) 1 SCC 5.

3. If law permits such an application to be made, the Applicant would be at liberty to make such application which would be decided by the Sessions Court in accordance with law.

(RIYAZ I. CHAGLA J.)

(B.R. GAVAI,J.)