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

***CRIMINAL APPLICATION NO.767 OF 2014
IN
CRIMINAL APPLICATION NO.944 OF 2011***

Mohan Sahu S/o Omprakash Sahu ... Applicant
Versus
The State of Maharashtra and Ors. ... Respondents

Mr.A.A.Udaipuri i/b M/s.Udaipuri and Co., for the Applicant.

Mrs.P.P.Shinde, A.P.P for the Respondent-State.

***CORAM : R. M. SAVANT &
REVATI MOHITE DERE, JJ.***

DATE : 23rd JULY, 2018

P.C. :

1. The above Criminal Application has been filed for restoration of Criminal Application No.944 of 2011, which came to be dismissed for non-prosecution on account of the non-compliance of the learned Advocate appearing for the Applicant on 25th July, 2014.

2. A Division Bench whilst dismissing the Criminal Application

No.944 of 2011 has observed that the Application by efflux of time have become infructuous and that the Applicant is not keen in pursuing the said Application. It is required to be noted that the above Application for restoration has been filed on 31st October, 2014, after the main Criminal Application No.944 of 2011 came to be dismissed on 25th July, 2014. Hence, the above Criminal Application has been filed about three months after the application was dismissed for non-prosecution.

3. Since, the above Criminal Application has been filed for restoration, we proceeded to consider whether there was any merit in the main Criminal Application No.944 of 2011. The said Application as the prayers disclose has been filed *inter alia* for the reliefs of setting aside the bail order passed in favour of the accused. The second relief sought is of the payment of compensation to the tune of Rs.1 crore to be paid by the Police on account of the late filing of the charge sheet.

4. Having regard to the said prayers, we are afraid the same would not fall within our jurisdiction under Section 482 of the Code of Criminal Procedure. If according to the Applicant, the charge sheet was

filed late on account of the ineptness of the police, then, it is for the Applicant to draw the Trial Court's attention to the said fact during the trial of the case in question as the charge sheet has already been filed.

5. For the reasons aforesaid, in our view, no useful purpose would be served in allowing the above Criminal Application No.767 of 2014. The same to accordingly stand disposed of.

(REVATI MOHITE DERE, J.)

(R. M. SAVANT, J.)