

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

CRIMINAL WRTI PETITION NO.4792 OF 2017

Imran Yunus Namakwala : Petitioner.
Versus
The State of Maharashtra and ors. : Respondents.

Mr.Aditya Pratap for the Petitioner.
Ms. A S Pai, Addl. PP for the Respondent/State.
Mr.Laxmi Narayan Shukla i/by M/s. Legal Vision for the Respondent No.3.

**CORAM : R. M. SAVANT &
SANDEEP K SHINDE, JJ.**
DATE : 01st FEBRUARY 2018

P.C.

1 The above Writ Petition has been filed for quashing of the FIR No.148 of 2016 and the charge-sheet filed thereafter now bearing CC No.441 of 2017.

2 It appears that the Petitioner had earlier filed Writ Petition No.2360 of 2017 for the same relief i.e. for quashing of the FIR, however, since the charge-sheet was filed, the Petitioner withdrew the same for filing an application for discharge. The said Writ Petition was accordingly disposed of by order dated 29/08/2017. It is thereafter that the instant Writ Petition has been filed in November 2017. In the interregnum it appears that against the rejection of his anticipatory bail application, the Petitioner had filed an SLP before the Apex Court and the said SLP has been dismissed by the Apex Court by order dated 09/08/2017 i.e. prior to the order dated 29/08/2017 passed in

the earlier Petition in spite of the aforesaid facts the Petitioner has chosen to file the above Writ Petition for the same relief without disclosing the factum of the filing of the earlier Writ Petition being No.2360 of 2017. It seems that a proclamation under Section 82 of the Criminal Procedure Code has also been issued against the Petitioner. The instant Petition is therefore nothing but an abuse of the process of the Court. We are therefore constrained to impose costs of Rs.25000/- on the Petitioner. The same to be paid over to the Maharashtra State Legal Aid within four weeks from date. By imposing the costs as above, the above Writ Petition is dismissed.

[SANDEEP K SHINDE, J]

[R.M.SAVANT, J]