

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.4923 OF 2018

Badal Mitesh Chaandarana ... Petitioner

Versus

State of Maharashtra and Anr. ... Respondents

Mr.Adnan Shaikh I/by Shipraa Tanna for the Petitioner.

Mr. F.R. Shaikh, APP for the respondent State.

**CORAM : B.P. DHARMADHIKAKRI &
SARANG V. KOTWAL, JJ.**

DATE : DECEMBER 05, 2018

P.C.:

Heard counsel for the petitioner.

2. It is submitted that the complainant had no right to put his hands inside the car of the petitioner and he could not have stopped the petitioner from proceeding further.

3. Perusal of the report dated 31/8/2018 shows that when the vehicle of the petitioner was stopped, on breath analyzer he was found intoxicated. He was therefore, asked to take his vehicle to the side of the road and to give licence. He refused and claimed that he had not consumed alcohol. Report shows that he started debating and refused to take the car to the side of the road. For

demanding licence, the complainant had put his hands inside the car and petitioner suddenly accelerated and wanted to run away. The complainant started shouting as he was caught half in the car and half outside it. At a little distance, petitioner dashed against the another vehicle of which number is also mentioned in the report.

4. In these circumstances, we are not inclined to accept the defence at this stage.

5. Needless to mention, that all the contentions are kept open and can be raised before the trial court at appropriate stage. Our observations are only to record reasons for refusing intervention in extra ordinary jurisdiction. With these observations, writ petition is dismissed.

(SARANG V. KOTWAL, J.) (B.P. DHARMADHIKARI, J.)