

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.5340 OF 2017

Tulsidas Nair	..	Petitioner
Versus		
State of Maharashtra & Ors.	..	Respondents

Mr. R.G.Panchal with Mohan Rawat, Anil Jaiswal & A.V.Kori for petitioner
Mr. Deepak Thakur, GP with J.P.Yagnik, APP for State.

CORAM : B.R. GAVAI &
B.P.COLABAWALLA, JJ

DATE : 20th February 2018

P.C.:

1. It appears that for the very same relief an earlier petition was filed being Writ Petition No.4419 of 2017. Though the present petition has been filed by the present petitioner in his individual capacity, the earlier petition was also filed by the present petitioner in the capacity of power of attorney holder of petitioner therein. The Division Bench of this Court on 7th December 2017 has passed the following order:-

“The learned Counsel for the petitioner seeks leave to withdraw the petition. Leave granted. The petition stands dismissed as withdrawn.”

2] It can thus be seen that the only leave that was granted by this court was to withdraw the petition. In view of the law laid down by the

Apex Court in the case of Sarguja Transport Service Vs State Transport Appellate Tribunal M.P.Gwalior and ors. reported in (1987) 2 S.C.C. 5, unless while withdrawing the petition leave is granted to file subsequent petition, the subsequent petition would not be tenable. This present petition is, therefore, rejected.

(B.P.COLABAWALLA, J)

(B.R.GAVAI, J.)