

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Application (APPP) No.91 of 2018

In

Criminal Application No.242 of 2017

In

Criminal Writ Petition No.340 of 2016

[Nayan Nagorao Ingale v. State of Maharashtra]

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders
and Registrar's order

Shri A.K. Waghmare, Advocate for Applicant/Petitioner.
Ms H.N. Jaipurkar, Additional Public Prosecutor for Respondent.

Coram : R.K. Deshpande, J.

Date : 2nd February, 2018

On 19-1-2018, this Court passed an order as under :

“Attention of Shri A.K. Waghmare, the learned counsel appearing for the petitioner, is invited to the orders dated 8-12-2017 and 15-12-2017 and he was asked as to whether he is prepared to file a simple affidavit stating that :

(1) he tenders unconditional apology for making complaints on the administrative side,

(2) the word 'dismissed' in the order impugned was inadvertent, but it should have been 'disposed of', and

(3) he withdraws all the applications and affidavits filed after 15-12-2017 unconditionally.

Hence, in order to provide one more opportunity to the learned counsel for the petitioner, put up this matter on 2-2-2018.”

In response to the aforesaid order, Shri Waghmare, the learned counsel appearing for the applicant/petitioner, has filed an affidavit dated 1-2-2018, stating in paras 3 and 4 as under :

“3. That, in view of the above, and as directed by the Hon'ble Court vide order dated 19.01.2018, the counsel for petitioner, submits as under :-

(A) The counsel for petitioner/deponent tenders unconditional apology on behalf of the petitioner for making complaint/s (if any) made by petitioner on administrative side, and specifically as mentioned by the deponent during the hearing dated 08.12.2017 and referred by the Hon'ble Court in the order dated 08.12.2017.

(B) It is, further submitted that, as already stated in Para No.2 supra, the word used as “dismissed” in the impugned order dated 05.10.2017 appears to be inadvertent and in place of the word “dismissed” it should have been “disposed of”.

(C) That, the deponent, considering the above referred facts, thus, withdraws all the applications and affidavits filed after 15.12.2017 unconditionally.

4. Hence, this simple affidavit, of the counsel for petitioner, as per the order dated 19.01.2018.”

The statements made by the learned counsel for the applicant/petitioner on affidavit are accepted.

In the judgment dated 5-10-2017 passed by this Court in Criminal Writ Petition No.340 of 2016, the word “dismissed” used in para 7 be substituted by the words “disposed of”. The correction be carried out in the original judgment and the corrected copy thereof be reloaded on the NET.

Criminal Application No.91 of 2018 stands disposed of.

The learned counsel for the applicant/petitioner submits that in view of this connection, nothing survives in Criminal Application No.242 of 2017. The same also stands disposed of.

Judge.

Lanjewar