

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

Criminal Writ Petition No.979 of 2017
(Ganesh Vithoba Pawar .vs. P.S.O., P.S.Amdapur)

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr.A.M.Sudame, Advocate for the petitioner.
Ms H.N.Jaipurkar, A.P.P. for respondent/State.

CORAM : P. N. DESHMUKH &
MRS. SWAPNA JOSHI, JJ.

DATE : 23.8.2018.

Mr.A.M.Sudame, learned Counsel for the petitioner as well as Ms H.N.Jaipurkar, learned Additional Public Prosecutor for the respondent/State submit that, in view of passage of time, the petition is rendered infructuous as charge-sheet is filed in Crime No.203 of 2017 for the offences punishable under Sections 363, 366, 376(2) of the Indian Penal Code and Section 4 of the POSCO Act.

Perusal of prayer clause (ii) of the petition shows that directions are sought to respondent/State to register offence under Section 376 of the Indian Penal Code r/w. Section 29 of the POSCO Act against the accused. In view of statement made as aforesaid, prayer clause (ii) of the petition appears to be satisfied.

Prayer clause (i) of the petition reveals that cancellation of bail to accused in the present crime is sought for.

Learned Counsel for the petitioner submits that,

for seeking such remedy if found necessary, the petitioner be granted liberty to take recourse as available in law. We find substance in the submissions made as the petitioner, if at all wants to move for cancellation of bail, has got remedy available in law instead of filing petition as aforesaid. In the circumstances, the petition stands disposed of in the above terms. No order as to costs.

JUDGE

JUDGE

**jaiswal*