

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO. 7802 OF 2010

Vijay s/o Shantaram Warule

Petitioner

Versus

The State of Maharashtra
& another

Respondents

Mr. K.V. Patil, Advocate holding for Mr. S.R. Barlinge, Advocate for the petitioner.

Mrs. M.A. Deshpande, AGP for Respondents.

**CORAM: PRADEEP NANDRAJOG, CJ &
R.G. AVACHAT, J.**

DATE: 25.09.2019

PER COURT :

1] Impugned order dated 08.06.2010 shows that Original Application No. 959/2009 filed by the petitioner was dismissed by the Tribunal in the absence of any representation from the side of the petitioner. The Tribunal has noted that before he was appointed as a watchman on 18.09.2008, the petitioner was named as accused in CR No. 182/2008 for the offences punishable under Sections 420, 463, 467, 468, 471, 474 r/w Section 34 of the Indian Penal Code.

2] It appears that case of the petitioner is that he was not aware of the First Information Report registered against him.

3] It appears to be a case where appointment was withdrawn on the ground of suppression of material facts.

4] The remedy available to the petitioner is to file an application before the Tribunal pointing out that since the application was dismissed in the absence of representation, certain facts which are relevant have not been noted and therefore not considered.

5] If petitioner files such an application, the Tribunal shall accord due consideration.

6] Accordingly, we dispose of the petition.

(R.G. AVACHAT, J.)

CHIEF JUSTICE