

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****WRIT PETITION NO. 1650 of 2016****WITH****CRIMINAL APPLICATION NO.9 OF 2018****IN****WRIT PETITION NO.1650 OF 2016****WITH****CRIMINAL APPLICATION NO.479 OF 2016****IN****WRIT PETITION NO.1650 OF 2016**

Santosh Namdeo Bhakan

.. Petitioner

Versus

The State of Maharashtra & ors

.. Respondents

...

Mr. Sachin H. Deokar for the petitioner.

Mr.A.D. Kamkhedkar, APP for the State.

CORAM: SHRI RANJIT MORE &**SMT. BHARATI H.DANGRE, JJ.****DATED : 9th JULY 2019****P.C:-**

1 Heard learned counsel for the respective parties.

2 Perused the record.

3 Petitioner is convicted in Sessions Case No.105 of 2011 for an offence punishable under Sections 364, 302 and 201 of the Indian Penal Code by the Addl. Sessions Judge, Pune and sentenced to suffer Life Imprisonment. The petitioner

challenges the judgment and order by filing Criminal Appeal No.703 of 2013 before this Court. This Appeal was also dismissed by the judgment dated 12th February 2015.

4 By filing the present petition, the petitioner is basically challenging the order passed by the Division Bench of this Court in Appeal No.703 of 2013 purportedly on the ground that provisions of Section 314 of the Code of Criminal Procedure are not followed.

5 We are unable to accept the submission of the petitioner as by filing Writ Petition, he cannot challenge the order passed in a Criminal Appeal. The remedy of the petitioner would be to challenge the judgment and order passed in an Appeal before the Hon'ble Apex Court.

6 In the light of above, we find no merit in the petition and is accordingly dismissed.

7 In view of the dismissal of the writ petition, Criminal Application Nos. 9 of 2018 and Criminal Application Nos.479 of 2016 do not survive and are disposed of accordingly.

(SMT. BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)