

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.346 OF 2019
IN
WRIT PETITION NO. 1871 OF 2018**

Hemant Rajendra Mota

.....Applicant/
Petitioner No.1

In the matter of
Hemant Rajendra Mota and ors.
versus
The State of Maharashtra and ors.

.....Petitioners

.....Respondents

Mr. Yogesh Morbale i/b. Mr. Vinod P. Sangvikar, advocate for the applicant/
petitioner No.1.
Ms. Sangita Shinde, APP for the State.

**CORAM : RANJIT MORE &
SMT. BHARATI H. DANGRE, JJ.**

DATE : 18th JULY, 2019.

P. C. :

The criminal application is taken out by the petitioner No.1 seeking relief of modifying the order passed by this Court on 20th June, 2019. Learned counsel for the petitioners stated that on 20th June, 2019, this Court had allowed the writ petition in terms of prayer clause (A).

2. Perusal of the petition discloses that in prayer clause (B), the petitioner has sought quashing and setting-aside of the FIR bearing CR No.I-36/2017 registered with Shivaji Nagar Police Station, Ambarnath. On 19th June, 2019, the petitioner was granted leave to amend the prayer

clause and insert the challenge to charge-sheet. However, the said amendment was not carried out and resultantly when the writ petition was allowed on 20th June, 2019, we had granted relief limiting only to CR No.I-36/2017.

3. Learned counsel for the petitioner submits that this has occurred since he had failed to carry out the amendment which was permitted by this Court. In such circumstances, we grant leave to the petitioner to amend the prayer clause forthwith.

4. In light of the said amendment to the relief sought, we quash and set-aside the charge-sheet bearing RCC No.815 of 2018 pending before learned JMFC, Ulhasnagar.

5. We also correct the order dated 20th June, 2019, passed by us, by referring “respondent No.5” in place of “respondent No.2” at all places in the said order. The Prayer Clause ‘A’ in the last line of the said order is also corrected to read as Prayer Clause (B).

6. The criminal application stands disposed of.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]