

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [APPW] No. 41 of 2019
IN
Criminal Writ Petition No. 1094 of 2018
[Engineers' Welfare Association, Nagpur & another Vs. State of
Mah., Water Resources Deptt. & two others]

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

Court's or Judge's orders

Mr. Shyam Dewani, Adv., for the Applicants-petitioners.
Mr. Ashirgade, APP for respondents.

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CORAM : P. N. DESHMUKH AND
SMT. PUSHPA V. GANEDIWALA, JJ.

DATE : 27th June, 2019

This application is for grant of permission to amend the petition by adding a party-respondent in the circumstances as stated in the application.

Heard.

Issue notice to the respondents.

Shri Ashirgade, learned Addl. Public Prosecutor, waives service of notice for respondents.

Perusal of the application primarily would reveal that by effecting amendment, petitioners are seeking

striking off the amended provisions of Sections 156 and 190, Criminal Procedure Code, as introduced by the proposed respondent no.4, claiming the same to be ultra vires to the provisions of law.

Having considered the nature of amendment sought as well as the subject-matter in the petition, we do not find it appropriate to allow such amendment in the present petition, as it would be appropriate on the part of the petitioners to file a substantive separate petition seeking for relief as sought for in the present application.

With these observations, we dismiss the application by giving liberty in favour of petitioners to file a substantive petition for the above reasons.

Stand over eight weeks.

Judge

Judge

[hedau]