

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

CRIMINAL WRIT PETITION NO. 1047/2019

Abu Rahebar Hasan Khan

..VS..

Deputy Inspector General of Prisons & anr.

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

Court's or Judge's orders

Shri T. Parmar, Advocate (appt.) for the petitioner
Ms. S.V. Kolhe, APP for the respondent/State

CORAM : Z.A.HAQ & M.G.GIRATKAR, JJ.

DATED : 09/12/2019

Heard.

The petitioner, a convict and prisoner, prays for
following reliefs:-

*“i) quash and set aside the show
cause notice issued to the petitioner dated
01-09-2018.*

*ii) Quash and set aside the Crime
No. 527/2018 registered at the Sakinaka, Police
Station, Dist. Mumbai under Section 224 of the
Indian Penal Code, 1860.*

*iii) To direct the respondent to refund
Rs. 5000/- the amount of the security deposit
taken from the petitioner vide receipt No.
2030677 dated 12-07-2018.”*

The prayers made by the petitioner cannot be considered under Articles 226 and 227 of the Constitution of India and the petitioner will have to defend at the trial which would be conducted against him for the offence punishable under Section 224 of the Indian Penal Code.

With the above observations, the writ petition is **dismissed**.

In our view, the legal services authority committed mistake by appointing a lawyer to represent the petitioner in such a cause and learned advocate appointed to represent the petitioner should not have filed such petition. Hence, fees need not be paid to the advocate appointed to represent the petitioner in this petition.

JUDGE

JUDGE

ANSARI