

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

CRIMINAL APPLICATION (APPW) NO. 245/2018
IN
CRIMINAL WRIT PETITION NO. 09/2018

Premdeep S/o Nishikant Matlane
..VS..
Mrs. Bhavana W/o Premdeep Matlane

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

Court's or Judge's orders

Shri H.S. Surve, Advocate for the applicant
Shri J.Matale, Adv h/f Shri N.B. Bargat, Adv for the non-applicant

CORAM : Z.A.HAQ, J.
DATED : 28/02/2019

By this application, the applicant has prayed that para no. 11 of the judgment given in Criminal Writ Petition No. 09/2018 on 05/10/2018 be modified. According to the applicant, he was not liable to pay / deposit the 2nd and 3rd installments, however, the amount is deposited as per the time limit fixed by the Hon'ble Supreme Court while deciding Special Leave Petition (Criminal) Diary No. 28582/2018. It is submitted that if para no. 11 is not modified and it is not clarified that the applicant was/is not liable to pay the amount deposited by 2nd and 3rd installments, the applicant will be paying amount more than his liability.

The learned advocate for the non-applicant has opposed the prayer made by the applicant.

After hearing the learned advocates for the respective parties, I am of the view that the submission made

on behalf of the applicant cannot be considered in this application for speaking to minutes, and para no. 11 of the judgment passed in Criminal Writ Petition No. 09/2018 on 05/10/2018 cannot be modified.

Hence, the criminal application is **dismissed**. In the circumstances, the parties to bear their own costs.

At this stage, the learned advocate for the applicant prays that liberty be granted to the applicant to move appropriate application for pointing that the applicant has deposited the amount in excess of his liability and he is entitled for refund of some amount.

It is clarified that Criminal Application (APPW) No. 245/2018 is dismissed as prayer made in the application cannot be considered in an application for speaking to minutes. The merits of the submissions made on behalf of the applicant are not examined.

JUDGE

Ansari