

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

CRIMINAL APPLICATION (BA) NO. 1139/2018

Nikhilesh Dinesh Bakshi

..VS..

State of Maharashtra, Thru PSO, Nagpur

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

Court's or Judge's orders

Shri U.P. Dable, Advocate for the applicant
Shri S.P. Deshpande, Addl. PP for the non-applicant

CORAM : Z.A.HAQ, J.
DATED : 01/02/2019

Heard.

The applicant is arrested on 08/09/2016 in connection with the crime registered against him and 10 others for the offences punishable under Sections 8 (c), 20 (b), 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985. Criminal Application (BA) No. 414/2017 filed by the applicant came to be dismissed by the order passed on 03/07/2017. The applicant had again moved Criminal Application (BA) No. 783/2018 which was disposed as withdrawn on 31/08/2018. Now, the submission on behalf of the applicant is that while dismissing Criminal Application (BA) No. 414/2017, some incorrect submissions were made before this Court on behalf of the investigating agency, which resulted in dismissal of that application.

As recorded in the order dated 03/07/2017, it was submitted before this Court that co-accused – Amitsingh Tomar and Vijaypal Koi were travelling in the car owned by

the father of the applicant and driven by the applicant at the time of incident, which according to the applicant is factually incorrect. According to the applicant, the father of the applicant never owned the car in question and it was not driven by the applicant at the time of the incident. It is submitted that the charge-sheet also shows that the above submissions made before this Court on 03/07/2017 are not correct.

The learned Addl. PP has pointed out that Criminal Application (BA) No. 783/2018 (i.e. the second application) was filed by the applicant after the filing of the charge-sheet. The learned advocate for the applicant and the learned Addl. PP submit that the charge-sheet was pointed out to the Court and the fact that some wrong submissions were made before this Court when the order was passed on 03/07/2017 was also pointed out to the Court.

In my view, it would not be appropriate to consider the prayer made on behalf of the applicant when this Court has already refused to entertain it and Criminal Application (BA) No. 783/2018 was withdrawn. In the facts, I see no reason to entertain the present application, specially when change in the circumstances is not pointed out.

The criminal application is **dismissed**. No costs.

JUDGE