

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.139 OF 2020

(Smt. Ushma w/o Vihar Ramteke ..vs.. State of Maharashtra, through PSO, PS Nagpur City)

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

Court's or Judge's orders

Shri Gajendra Saoji, Counsel for the applicant,
Shri V.A. Thakre, Addl.P.P. for the non-applicant.

CORAM : ROHIT B. DEO, J.

DATED : 04-03-2020

This application is an abuse of the process of law.

2. The applicant approached this Court earlier vide Criminal Application (ABA) 502/2019. This Court was about to dismiss the application, the application came to be withdrawn. The order dated 20-8-2010 (Coram : V.M. Deshpande, J.) reads thus :

“Heard Ms. Deshpande, Advocate holding for Mr. Akbani, learned Counsel for the applicant for quite some time. When this Court was about to reject the application for anticipatory bail, she submits that she has instructions to withdraw the present application.

The application is dismissed as withdrawn.

Interim order dated 25-07-2019, stands vacated. It shall be open for the investigating officer to take necessary steps and proceed with the matter, in accordance with law.”

3. According to the learned Counsel Shri Gajendra Saoji, the fact that the charge-sheet came to be filed

thereafter would be a substantial change in circumstances enabling the applicant to approach the learned Sessions Judge, and the applicant did nothing wrong in exercising that right.

4. The applicant is absconding.

5. The charge-sheet to which a reference is filed against the co-accused.

6. In this view of the matter, I have no hesitation in holding, that the applicant is taking the judicial process for a ride.

7. The application is dismissed with costs of Rs.25,000/- to be deposited with the High Court Legal Services Sub-Committee, Nagpur.

8. The registry shall communicate this order to the jurisdictional Court.

9. If any application for regular bail is preferred, the learned Sessions Judge shall ensure that this order is complied with.

JUDGE