

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**81 CRIMINAL APPLICATION NO.3712 OF 2019  
IN WP/957/2015**

**NAYAN DILIP MUKHERJEE  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS**

...  
Advocate for Applicant : Mr. Barde Parag Vijay  
APP for Respondents/State: Mr. G. O. Wattamwar  
...

**CORAM : T.V. NALAWADE &  
M.G. SEWLIKAR, JJ.**

**DATE : 02.02.2021**

**PER COURT :**

Heard learned counsel for the applicant. In the present matter, an attempt is made to recall the decision given by this Court in Criminal Writ Petition No.957 of 2015. The said proceeding was filed for enhancement of penalty. That matter was decided along with Writ Petition No.6543 of 2015 filed by accused. This court held that the youngsters has lost already one academic year and further they were made liable to pay penalty of Rs.1,00,000/- and that was sufficient punishment to them. In the present proceeding, the father of the girl wants to see that the penalty is increased and enhanced punishment is given under the Prevention and Prohibition of Ragging in Medical Colleges/Institutions Regulations, 2009. Granting of such relief will be against the principle given in

Section 362 of the Criminal Procedure Code. That will virtually amount to recall the entire decision by this Court and that is not permissible. So, the present proceeding is dismissed.

**(M.G. SEWLIKAR, J.)**

**(T.V. NALAWADE, J.)**

Sameer