

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2738 OF 2021

Maharashtra State Warehousing Corporation

Through its Deputy General Manager

Regional Office, Mumbai

Shri Kiran Maruti Tope

: Petitioner.

Versus

The State of Maharashtra and anr.

: Respondents.

Mr. A V Chatuphale for the Petitioner.

Mr. J P Yagnik, APP for the Respondent/State.

CORAM : S. S. SHINDE,
N. J. JAMADAR, JJ

DATE : 10th August 2021

P.C.

1 This Petition under Article 226 of the Constitution of India is filed
for the following relief :-

*“(a) this Hon’ble Court be pleased to allow the
Petitioner’s to dispose of 4317 bags as more particularly
set out in the Schedule and appropriate the sale proceeds
thereof towards storage charges or on any condition as
this Hon’ble Court may deem fit.”*

2 Upon perusal of the pleadings and the grounds taken in the
Petition as also the relief claimed therein, we are of the opinion that this is not
a fit case to exercise the writ jurisdiction by invoking Article 226 of the

Constitution of India. In addition to above, entertaining such a Petition would give rise to the adjudication of the disputed question of facts. The maintainability of the Writ Petition as against the 2nd Respondent i.e. I.C.I.C Bank Ltd., is also questionable.

3 In that view of the matter, the Writ Petition stands dismissed summarily.

[N. J. JAMADAR, J]

[S. S. SHINDE , J]