

WRIT PETITION NO. 35 OF 2022

Mrs. P. P. Shinde, A.P.P for the Respondent Nos.21 & 22–State

P.C. :

1 Vide order dated 7th April 2022, this Court (Coram : Prasanna
B. Varale & S. M. Modak, JJ.) had passed the following order :

“ *Not on board. Taken on board.*

2 *The Petitioner party in-person, submits before this*
Court that though he made an attempt to seek legal assistance
from Legal Aid Services, due to some technical difficulty,

Counsel was not appointed by him from Legal Aid Services. He submits that due to financial constraint, he is unable to engage private Counsel.

3 *Considering the financial difficulty being faced by the Petitioner, the Petitioner in-person was apprised that this Court would appoint Counsel, so as to represent him and put his case before this Court by taking appropriate steps. We appointed Mr. Mujahid S. Ansari, Advocate, HCLSC Mumbai to represent the Petitioner party in-person. Learned Counsel is permitted to have an interaction with a party in-person and to take appropriate steps to represent the Petitioner in-person. In case, Counsel appointed is of the opinion to file a fresh Petition, he is permitted to file a fresh Petition before this Court within two weeks from today.*

4 *Stand over to 21 April 2022 for directions.”*

2 Thereafter, on 21st April 2022, this Court (Coram : Prasanna B. Varale & S. M. Modak, JJ.) passed the following order :

“1. *By our order dated 7th April, 2022, we have appointed Mr. Mujahid S. Ansari, Advocate to represent the petitioner party-in-person and the matter was listed today for further consideration. It seems that appointed counsel is having some difficulty. As such, we recall our order of appointing Mr. Mujahid S. Ansari, Advocate to represent the cause of petitioner party-in-person.*

2. *On our request, Mr. Tariq Sayed, Advocate, who is present in this Court, was gracious enough to represent petitioner party-in-person.*

3. *Accordingly, Mr. Tariq Sayed, Advocate is appointed to represent petitioner party-in-person, who is present in this Court. The petitioner is apprised about the appointment of Advocate Mr. Tariq Sayed and learned counsel so appointed also requested to have an interaction with the party-in -person.*

4. In case, leaned counsel so appointed feels it appropriate to file a proper petition by incorporating necessary grounds with consequential prayers, learned counsel so appointed may file such petition within two weeks from today.

5. If such petition is filed, list the petition for further consideration after two weeks i.e. 5th May, 2022.

3 Today, the petitioner who appears in-person has filed a praecipe stating therein that he does not trust the decision of this Court and that he wants to approach the Apex Court. He, therefore, requests that his petition be dismissed.

4 Although the petitioner prays for dismissal of his petition, we do not inclined to dismiss the petition, since we have not heard the petition on merits. The petitioner does not wish to argue his petition in this Court, as he wants to approach the Apex Court. Accordingly, we dispose of the aforesaid petition as not pressed.

5 We make it clear that the petitioner has refused to argue the petition before us and as such we have not gone into the merits of the petition.

6 Petition is accordingly disposed of.

V. G. BISHT, J.

REVATI MOHITE DERE, J.