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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 463 OF 2022
IN
CRIMINAL APPLICATION NO. 35 OF 2016
IN
CRIMINAL WRIT PETITION NO. 2178 OF 2012**

Tulsidar Naik .. Applicant
Vs.
State of Maharashtra & Ors. .. Respondents

Mr. Vinayak R. Kumbhar for Applicant / Petitioner
Mr. S.S. Hulke, APP for State
Mr. R.M. Machindar, PI, Protection Security Branch.

**CORAM : A.S. GADKARI &
MILIND N. JADHAV, JJ.**

DATE : 15th November, 2022.

P.C.:

. By the present Interim Application, Applicant – original Petitioner
has prayed for the following reliefs:-

“(b) By a suitable order / direction, this Hon’ble Court be pleased to modify Judgment and Order dated 10.01.2022 passed by this Hon’ble Court in Criminal Application No. 35 of 2016 and Petitioner may be given opportunity to be heard afresh by taking assistance of legal practitioner and appropriate order be passed accordingly on merits;

(c) Pending the hearing and final disposal of the Interim Application, the operation, execution and implementation of the Impugned Order dated 10.01.2022 may be kindly stayed and the Order dated 25th October 2012 & 10th July 2013 in Criminal Writ Petition No. 2178 of 2012 be continued.”

2. According to us, the present Application as filed is *inter alia* in the form of a Review Petition. Perusal of Order dated 10.01.2022 and in particular, paragraph No. 6 thereof clearly indicates that, Applicant

was heard by the coordinate Bench. Even otherwise, today we have given detailed hearing to the learned Advocate for the Applicant in the present Application and therefore prayer clause (b) noted above is worked out.

3. As far as prayer clause (c) is concerned, perusal of the original record reveals that the coordinate Bench while passing the Order dated 10.01.2022 has taken into consideration all the aspects which were pointed out by both the sides.

4. We have again perused the original record and the notings of the various Authorities including Deputy Commissioner of Police, Protection Branch, Mumbai, who has recorded his concurrence with his lower Authorities, regarding the threat perception to the life of Applicant.

5. Perusal of the Order dated 10.01.2022 clearly indicates that it is an elaborate speaking Order and all the aspects which were pointed out to the coordinate Bench have been taken into consideration.

6. In view of the above, we find no merit in the Application and is accordingly dismissed.

[MILIND N. JADHAV, J.]

[A.S. GADKARI, J.]

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