

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 5774 OF 2021**

Yogesh Ghanshyam Purandare

...Petitioner

V/s.

The State Of Maharashtra

...Respondent

None for Petitioner.

Mr. Ajay Patil, A.P.P. for the Respondent-State.

**CORAM : A. S. GADKARI AND
PRAKASH D.NAIK, JJ.****DATE : 28th NOVEMBER, 2022.****P.C.:-**

. By the present Petition, the Petitioner inter alia wants this Court to test his defence, which is not permissible under the law.

It is the settled a position of law that the defence of accused in a criminal trial cannot be tested in a petition under Article 226 of the Constitution of India.

2. Learned A.P.P. on instructions submitted that, the trial of the Petitioner in C.C. No.239/PW/2020 pending on the file of 64th Court Metropolitan Magistrate, Mumbai has already begun and the complainant has been examined in the case.

3. In view of the above, nothing further survives in the Petition, and is accordingly disposed off.

(PRAKASH D. NAIK, J.)**(A.S. GADKARI, J.)**

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