LAXMIKANT GOPAL CHANDAN
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2278 OF 2016
WITH
CRIMINAL APPLICATION NO.362 OF 2016
IN
CRIMINAL WRIT PETITION NO.2278 OF 2016

Samit Akhilesh Yadav : Petitioner.
Versus
The State of Maharashtra : Respondent.

Through Jail – None for the Petitioner.
Mr. Y M Nakhwa, APP for the Respondent/State.

CORAM : S. S. SHINDE,
MILIND N. JADHAV, JJ
DATE : 17th June 2022

P.C.

1 Heard the learned APP appearing for the Respondent/State. At the outset the learned APP, on instructions, submits that the present Petitioner along with other two co-accused have been convicted for the offence punishable under Sections 498A, 302 r/w 34 of the Indian Penal Code.

2 It appears that there was full-fledged trial and the Trial Court convicted the Petitioner and other two co-accused. The grievance raised by the Petitioner that, the mobile possessed by his deceased wife were seized by the police, however, the same was not produced before the trial court to prove the chain of circumstances. It is also alleged that the other material was not collected by the concerned Investigating Officer for proper investigation.

Considering the aforesaid submission of the learned APP that the present Petitioner and other two co-accused have been convicted by the trial Court, the prayer of the Petitioner to entertain this Petition, does not subsist. The Petitioner would be free to agitate the said grievance before the Appellate Court, in case, the Petitioner had preferred an Appeal being aggrieved by the judgment and order passed by the Trial Court. In that view of the matter, we are unable to persuade ourselves to grant any relief. Hence the Writ Petition stands disposed of.

3 In view of disposal of the Writ Petition, Criminal Application No.362 of 2016 does not survived and the same is disposed of accordingly.

4 The Registry shall send a copy of this order to the concerned competent authorities who in turn shall communicate the same to the Petitioner.

[MILIND N. JADHAV, J] **[S. S. SHINDE , J]**