

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.
CRIMINAL WRIT PETITION NO. 125 OF 2022
Sanjay Ramlal Soni Vs. State of Maharashtra and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri Rohan Chhabra, Advocate for petitioner.
Shri T.A. Mirza, APP for respondents.

CORAM : V.M. DESHPANDE AND
AMIT BORKAR, JJ.
DATE : 7th APRIL, 2022.

Heard Shri Rohan Chhabra, learned counsel for the petitioner.

2. By this writ petition under Articles 226 and 227 of the Constitution of India the petitioner is essentially challenging the order passed in Miscellaneous Criminal Application no.744 of 2021 by the learned Special Judge under MPID Act. Though there are other reliefs sought, the reliefs are ancillary and consequential in nature.

3. From annexures to the application, it is apparent that in earlier round of litigation the petitioner had filed Criminal Revision Application under Section 401 of Code of Criminal Procedure. The said Criminal Application was entertained by the learned Single Judge and the learned Single Judge of this Court by order dated 10.01.2022, after considering the merits, allowed the petitioner to withdraw the said application with liberty to avail appropriate remedy as available in law.

4. The contention on behalf of petitioner is that filing of present writ petition is the appropriate remedy. We are afraid that we cannot find any substance in the said submission for the simple reason that the order passed by the learned Single Judge in Criminal Revision Application No.121 of 2021 dated 10.01.2022 amounts to merger of the order passed by the learned Special Judge in Miscellaneous Criminal Application No.744 of 2021. Once the order of Special Court has been merged with the order of learned Single Judge of this Court, the coordinate Division Bench of the same Court cannot entertain any challenge in relation to the order which has been merged with the order of learned Single Judge. We, therefore, do not accept the submission that filing of present petition is an appropriate remedy.

5. There is no merit in the petition. The petition is, therefore, dismissed.

JUDGE

JUDGE

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