

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APL) NO.812 OF 2022

(Asha d/o Apparao Kendre Vs. Atish s/o Ashokrao Chate and another)

CRIMINAL APPLICATION (APL) NO.1094 OF 2022

(Atish s/o Ashokrao Chate Vs. State of Maharashtra, thr. PSO PS Ashti, Dist. Warhda and another)

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

Court's or Judge's orders.

 Mr. N. G. Moharir, Advocate for Applicant. [APL 812/2022]
 Mr. C. U. Deopujari, Advocate for Applicant. [APL 1094/2022]
 Mr. M. J. Khan, APP for Non-Applicant 2/State.[APL 812/2022]
 Mr. M. J. Khan, APP for Non-Applicant 1/State.[APL 1094/2022]
 Mr. N. G. Moharir, Advocate for Non-Applicant 2. [APL 1094/2022]

CORAM: ROHIT B. DEO AND ANIL L. PANSARE, JJ.

DATE: 12th SEPTEMBER, 2022.

We indicated to the learned counsel that in view of the authoritative pronouncement of the Full Bench in *Sau. Maya Sanjay Khandare and another v. State of Maharashtra in Criminal Application (APL) 709/2020*, it would be impermissible to exercise 482 Cr.P.C. jurisdiction to quash the crime post – conviction, particularly since the offence and the facts do not fall in the rarest of the rare category spelt out in paragraph 33 of the Full Bench decision.

2. We further indicated to the learned counsel that the course adopted by the Hon'ble Apex Court in *Ramgopal and another v. State of Madhya Pradesh 2021 SCC OnLine SC 834* is in exercise of plenary power under Article 142 of

the Constitution of India.

3. At this stage, the learned counsel seeks leave to withdraw the applications.

4. The applications are dismissed as withdrawn.

(ANIL L. PANSARE, J.)

(ROHIT B. DEO, J.)

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