

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1008 CRIMINAL APPLICATION NO.580 OF 2023
IN WP/1574/2022

RAHUL SHANKARRAO WADHAVE (U.T. 181/23)
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Rupeshkumar C. Bora (appointed)
APP for Respondent No.1: Mr. M.M. Nerlikar
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**CORAM : R. G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.
DATED : 11th JULY, 2023.**

PER COURT :-

1. Heard.
2. The petitioner, who is in jail, sent us a letter/petition dated 31.01.2023, asking for review/recall of the order dated 18.01.2023, passed in criminal writ petition No. 1574 of 2022.
3. The petitioner had filed the said petition seeking directions to the concerned police station officer to register the F.I.R. against his wife and her relations and investigate the same. He is relying on the judgment of the Apex Court in ***Lalita Kumari versus Government of Uttar Pradesh and others, reported in (2014) 2 SCC 1***. In his application, it has been averred that this court had not read his overall petition. According to him, this Court has referred the crime No. 380 of 2015, which in fact had not been registered anywhere. According to the learned A.P.P. it was a typographical mistake and it should have been

crime No. 380 of 2016. Inadvertently, in the said order, it has been observed in para 6 that said crime (380 of 2016 and not 380 of 2015) was registered at the behest of brother in law of the petitioner, Sudarshan, but in fact, it was registered at the instance of the wife of the petitioner. In short, the petitioner is asking for review.

4. Moreover, in para 7 of his application, he stated that “C” summary report was filed by the police in the crime registered at the instance of the petitioner himself. The factual observations, referred to in para 7 by the petitioner in his application, are correct. The court had directed him to raise the points in respect of “C” summary before the concerned J.M.F.C., before whom “C” summary report was filed.

5. As such, in our view, the petitioner is asking for review of the order on the basis of the factual matrix and typographical error. The same is not permissible in view of Section 362 of Cr.P.C. We therefore, dismiss the application. Inform the petitioner in jail.

6. We quantify the professional fees of the learned advocate Mr. R. C. Bora, appointed to represent the cause of the petitioner, at Rs.6000/-, to be paid by the High Court Legal Services Sub Committee, Aurangabad.

(SANJAY A. DESHMUKH, J.)

(R. G. AVACHAT, J.)