

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.333 OF 2023

KHANDESH KAMGAR UTKARSH SANGHTANA, JALGAON
THROUGH ITS SECRETARY NITIN BALKRUSHNA NEMADE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for the petitioner: Mr. P.V. Barde
APP for the respondent – State : Mr. S.J. Salgare
...

**CORAM : MANGESH S. PATIL &
M.M. SATHAYE, JJ.**

DATE : 06 MARCH 2023

PC :

The petitioner is challenging the order passed by the respondent – Sub-Divisional Officer under section 144 of the Criminal Procedure Code, 1973. It is to be noted that pursuant to the provisions of sub-section 5 of section 144, the petitioner has filed this writ petition in his personal capacity and submitted an application to the selfsame authority for recalling of the order. This application was filed on 01.03.2023.

2. The order under challenge would expire by tomorrow. Tomorrow is a holiday. Directing the respondent – Sub-Divisional Officer to take some decision on the application preferred under section 144(5) of the Cr.P.C. day after tomorrow, by which time, the order itself would have lived its life to the fullest, would have no meaning.

3. We dispose of the petition but observe that considering the application and exigencies stated therein, the respondent – Sub-Divisional Officer ought not to have sat over the application without taking any decision. His conduct in allowing the order that was sought to be reviewed to expire is deprecated.

[M.M. SATHAYE]
JUDGE

[MANGESH S. PATIL]
JUDGE

sga/