

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 720 OF 2020

Rajan Yashwant Kale

... Petitioner

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr. Suresh M. Sabrad, for the Petitioner.

Ms. Mahalakshmi Ganpathy, A.P.P for the Respondent-State.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.**

DATE : 8th DECEMBER, 2023.

P.C.:-

1) Undoubtedly, the Petition involves disputed question of facts which are the assertions made by the Petitioner, are to be established before the trial Court, which is ceased of MPID Application No. 538 of 2018 pending on the file of learned Special Judge, under MPID Act, Mumbai. It is the settled position of law that, disputed questions of fact cannot be adjudicated in writ jurisdiction under Article 226 of Constitution of India.

2) In our opinion, Petition is misconceived and is accordingly disposed off.

3) The Petitioner is at liberty to agitate all his contentions in the Application No. 538 of 2018 before the trial Court.

(SHYAM C. CHANDAK, J.)

(A. S. GADKARI, J.)