

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 5711 OF 2021****WITH****CRIMINAL WRIT PETITION NO. 5712 OF 2021****WITH****CRIMINAL WRIT PETITION NO. 5714 OF 2021**

Rajesh Yashwant Ambre

... Petitioner

V/s.

The State Of Maharashtra

... Respondent

Ms. Grishma Nikhil Lad Appointed Advocate for Petitioner.

Mr. Ajay Patil APP, for Respondent-State.

**CORAM : A.S. GADKARI AND
PRAKASH D. NAIK, JJ.****DATE : 23rd JANUARY, 2023.****PC. :**

1. Heard learned Advocate appointed to represent Petitioner and learned APP for Respondent State.

Perusal of Petition would indicate that, Petitioner is an under trial prisoner and therefore his probable defence in a trial by way of present Petitions is not permissible in law. It is the settled position of law that, defence of an accused in a criminal trial can not be adjudicated in a Writ Petition under Article 226 of the Constitution of India.

2. Petitioner is at liberty to establish his defence before the Trial Court where his case is pending, if permissible under the law.

3. Petitions are disposed off in the aforesaid terms.

(PRAKASH D. NAIK, J.)**(A.S. GADKARI, J.)**