

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.5529 OF 2021

Dipak Bhogilal Kothari
versus
The State of Maharashtra

Petitioner

Respondent

Ms.Janhavi Karnik, appointed Advocate for Petitioner.
Mr.Ajay Patil, APP, for State.

**CORAM : A.S.GADKARI AND
PRAKASH D.NAIK, JJ.**
DATE : 16th January 2023

PC :

1. Heard learned Advocate appointed to represent Petitioner and learned APP
2. A bear perusal of the petition would indicate that Petitioner wants to establish his defense in Special NDPS Case No.98 of 2018 pending on the file of learned Additional Sessions Judge-II, Thane, by way of pleading in present petition.
3. It is the settled position of law that, defense of an accused cannot be decided/adjudicated in a petition under Article 226 of Constitution of India. Petitioner is at liberty to establish his defense before Trial Court at the time of trial.
4. In view thereof, we find no reason to entertain present petition. The petition is accordingly dismissed.

**MANISH
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THATTE**

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(PRAKASH D. NAIK, J.)

(A.S.GADKARI, J.)