

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 2037 OF 2022**

Rafique Ibrahim Tambe

... Petitioner

V/s.

Subhash Mohan Pawar & Ors.

... Respondents

Mr. Akshay R. Kapadia for Petitioner.

Mr. S.S. Hulke, A.P.P. for Respondent-State.

**CORAM : A. S. GADKARI AND
PRAKASH D. NAIK, JJ.****DATE : 1st February 2023.****P.C. :**

1. According to us, present Petition as filed is not maintainable in view of the ratio laid down by the Hon'ble Supreme Court in the case of *Radhey Shyam & Anr. Vs. Chhabi Nath & Ors. reported in (2015) 5 SCC 423.*

2. We therefore dismiss the Petition by reserving liberty of the Petitioner to file appropriate application before the appropriate Forum.

[PRAKASH D. NAIK, J.]**[A.S. GADKARI, J.]**