

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 200 OF 2019
IN
CRIMINAL WRIT PETITION NO.4590 OF 2018

Sheela w/o. Arunkumar Varma ... Applicant
Versus
State of Maharashtra and ors. ... Respondents

Mr. R.R. Varma i/by Mr. Ashok M. Saraogi for the Applicant
Mr. S.S. Pednekar, APP for the Respondent–State.

**CORAM : REVATI MOHITE DERE &
SHARMILA U. DESHMUKH, JJ.**

DATE : APRIL 03, 2023

P. C. :

1. Heard learned counsel for the applicant. By this application, the Applicant seeks recall of the order dated 08.02.2019 passed by this Court (Coram : B.P. Dharmadhikari & Revati Mohite-Dere, JJ.) in Writ Petition No.4590 of 2018. The said order reads thus,

“ In furtherance of order dated 5th December 2018, respondent Nos.2 and 3 are present with their Advocate. They inform that matter was never settled and is not settled. They also point out that dispute is still going on in arbitration proceedings.

2. *Learned APP upon instructions adds that police*

has already informed the petitioner on 28th August 2018 that dispute is of civil nature.

3. In view of these statements, we find that the information given to this Court on 5th December 2018 was not correct.

4. We, therefore, dismiss this petition with cost of Rs.10,000/- to be paid by the petitioner to High Court Legal Aid Committee.”

2. No infirmity can be found in the said order dated 08.02.2019. The learned APP had submitted on the said date that the police had already informed the Petitioner on 28th August, 2018, that the dispute was civil in nature. Needless to state, that it is always open for the Petitioner to adopt appropriate remedy, as available in law.

3. Costs as directed *vide* order dated 08.02.2019, to be paid within three weeks from today, if not paid.

4. The application is disposed of.

SHARMILA U. DESHMUKH, J.

REVATI MOHITE DERE, J.