

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

CRIMINAL WRIT PETITION NO. 1798 OF 2017

Sushil Harishchandra
Mancharkar

...Petitioner

vs.

The State of Maharashtra

...Respondent

Mr. Sumit Kate h/f Mr. Bhushan U. Deshmukh - Advocate for the Petitioner at 11.00 a.m..

Dr. U. P. Warunjikar i/by Mr. Bhushan U. Deshmukh - Advocate for the Petitioner at 2.30 p.m..

Mr. Machindra A. Patil a/w Mr. Vijay R. Garad - Advocate for the Respondent No. 2

Mr. S. R. Agarkar - APP for the Respondent-State

CORAM : S. M. MODAK, J.

DATE : 22nd DECEMBER, 2023

P. C. :-

1. It is true that on 06th December, 2023, this Court has directed to place this matter for dismissal today. As Dr. Warunjikar for the Petitioner is held up before some other Court, matter be kept at 2.30 p.m. If he will not argued, the Court will dismiss the matter.

Afternoon session

2. Heard learned Advocate Dr. Warunjikar for the Petitioner,

learned APP and learned Advocate for Respondent No. 2.

3. This petition has become infructuous for two reasons :-

- a) Earlier Criminal Writ Petition No. 4032 of 2016 was withdrawn, on this background, this petition is filed;
- b) The charge is already framed on 06/09/2017.

4. Learned Advocate for Respondent No. 2 submitted that filing of the fresh writ petition without any new cause of action when already earlier writ petition was dismissed as withdrawn on 20/03/2017 amounts to abuse of process of this Court.

5. Whereas learned Advocate Dr. Warunjikar submitted that this petition was not drafted by him but drafted by earlier Advocate and he is no more.

6. Considering this submission, I am not inclined to impose the cost.

7. Petition is disposed of as become infructuous.

8. All contention of both the parties are kept open.

[S. M. MODAK, J.]