

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 2132 OF 2023**

Milind Maloji Pujare

... Petitioner

V/s.

State Of Maharashtra And Ors.

... Respondents

Mr. Kaustubh Marathe i/b Mr. Pratik Sabrad for Petitioner.

Mr. Ajay Patil, APP for Respondent No.1-State.

**CORAM : A.S. GADKARI AND
SHIVKUMAR DIGE, JJ.****DATE : 30th JUNE, 2023.****PC. :**

1. Present Petition is wholly misconceived, as the Order passed below Exh-4 dated 6th June, 2023 in Criminal Bail Application No. 100 of 2023 by learned Special Judge (POCSO) Sindhudurg, directing the F.S.L. Kolhapur to submit the report of DNA Sampling at the earliest, is impugned under Article 226 of the Constitution of India.

2. In view of the decision of the Hon'ble Supreme Court in the case of *Radhe Shyam and Anr. Vs. Chabi Nath and Ors., reported in (2015) 5 SCC 423*, Judicial Order is not amenable to Writ Jurisdiction under Article 226 and challenge to Judicial Order could lie by way of statutory Appeal or

Revision or under Article 227, but not by way of writ under Article 226 or 32 of the Constitution of India.

3. In view thereof, the Petition is not maintainable and is accordingly dismissed in *limine*.

(SHIVKUMAR DIGE, J.)

(A.S. GADKARI, J.)