

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 4086 OF 2018

Maresh Parshuram Kadam

...Petitioner

V/s.

The Tree Authority of City of Thane And Ors.

...Respondents

Mr. Sachin R. Pawar for Petitioner.

Mr. Nikhil Ghate i/by Mr. Sandeep Mishra for Respondent Nos.2 & 3.

Mrs. M.H.Mhatre, A.P.P. for the Respondent-State.

**CORAM : A. S. GADKARI AND
PRAKASH D.NAIK, JJ.**

DATE : 4th JANUARY, 2023.

PC:-

1. Present Criminal Writ Petition is filed with cause title having 'Original Jurisdiction'. The same is not maintainable in the eyes of law.

2. By the present Petition, Petitioner has prayed that, Criminal Complaint No.831 of 2014 filed against Respondent Nos.2 and 3 before the Judicial Magistrate which was dismissed for non prosecution be restored. It is the settled position of law that, a Petition under Article 226 of the Constitution of India impugning a judicial Order is not maintainable. Reliance is placed on the decision in the case of *Radhey Shyam & Anr. Vs. Chhabi Nath and Ors.* Reported in (2015) 5 SCC 423.

3. According to us, petition is thoroughly frivolous and is dismissed in *limine*.

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)