

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 5766 OF 2021
WITH
INTERIM APPLICATION NO. 4259 OF 2022
WITH
INTERIM APPLICATION NO. 4260 OF 2022
WITH
INTERIM APPLICATION NO. 4370 OF 2022
WITH
INTERIM APPLICATION NO. 4374 OF 2022
WITH
INTERIM APPLICATION NO. 4376 OF 2022
WITH
INTERIM APPLICATION NO. 4379 OF 2022
WITH
INTERIM APPLICATION NO. 4380 OF 2022

Dipak Bhogilal Kothari ...Petitioner/Applicant
V/s.
The State Of Maharashtra ...Respondent

Mr. Amit. A. Mane for Petitioner/Applicant.
Mr. Ajay Patil, A.P.P. for the Respondent-State.

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

DATE : 20th JANUARY, 2023.

P.C.:-

. Perusal of Petition indicates that, the Petitioner intends to develop his defence by way of filing present Petition. It is the settled position of law that, the defence of an accused in a trial cannot be tested/adjudicated in a Petition under Article 226 of the Constitution of India. Petitioner will be at liberty to put forth his defence in the trial, where he is an accused.

2. According to us, present Petition is misconceived and is disposed off.

3. In view of disposal of Writ Petition, Interim Application Nos.4259 of 2022, 4260 of 2022, 4370 of 2022, 4374 of 2022, 4376 of 2022, 4379 of 2022, 4380 of 2022 do not survive and are accordingly disposed off.

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)