

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

CRIMINAL WRIT PETITION NO.4976 OF 2017

Santosh (Aba) Dattatraya Waghmare

Petitioner

versus

The State of Maharashtra

Respondent

None present for Petitioner.

Mrs.M.H.Mhatre, APP, for State.

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

DATE : 6th January 2023

PC :

1. It is the contention of Petitioner that Investigating Officer of Crime No.97 of 2016 registered with Kharghar Police Station, Navi Mumbai has falsely implicated him in the same crime as the Petitioner could not satisfy unlawful demand of said Police Officer.

2. It is the settled position of law that, defense of an accused cannot be adjudicated in a Petition under Article 226 of Constitution of India. Even otherwise, as per the report submitted by Senior Jailor, Talaja Central Prison, Navi Mumbai, dated 4th January 2023, Petitioner has been released on bail from jail on 1st October 2018.

3. In view thereof, Petitioner is at liberty to file appropriate application for establishing his defense before the Trial Court, if permissible under provisions of law.

According to us the Petition is misconceived and is disposed off.

(PRAKASH D. NAIK, J.)

(A.S.GADKARI, J.)

MST