



vinita

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO.17 OF 2021

WITH

CRIMINAL WRIT PETITION NO.96 OF 2019

CRIMINAL MISC. APPLICATION NO.17 OF 2021

ANTONIO BRAGANZA (DEC) AND 2 ORS

... APPLICANTS

Versus

MANISH KARAPURKAR AND 2 ORS

... RESPONDENTS

WITH

CRIMINAL WRIT PETITION NO.96 OF 2019

MANISH KARAPURKAR AND ANR.,

... PETITIONER

Versus

ANTONIO BRAGANZA AND 2 ORS.,

... RESPONDENT

Applicant No. 2 present in person.

Mr G. Nagvenkar, Addl. Public Prosecutor for the State.

CORAM:- BHARAT P. DESHPANDE, J.

DATED :- 9th July, 2024

P.C.

Heard Petitioner no.2 in person.

2. The present application is filed with the prayer that the order passed by this Court on 18.12.2019 while disposing of Criminal Writ Petition No.96 of 2019 be recalled.

3. Applicant no. 2 contends that observations of this Court in the said order, are incorrect to the fact of the matter before the trial Court. She submits that there are no documents available for the purpose of publishing the article and therefore discharged of petitioner nos.1 and 2 in the said defamation case is against the record.

4. The grounds in the present application would clearly go to show that applicants who are respondents no.1 and 2 in Criminal Writ Petition No. 96/2019 are clearly aggrieved by the observation of this Court while deciding the said Criminal Writ Petition in its order dated 18.12.2019.

5. Viewed from the above angle, the application for recall of the order is actually in the form of a review. While deciding the Criminal Writ Petition and mostly under Section 482 of Cr.P.C. read with Article 227 of the Constitution of India, it is the discretion of this Court while exercising extraordinary jurisdiction to consider the ground raised therein. If any party is aggrieved by such observations, remedy lies elsewhere and not by filing an application for recalling of such order. Applicants by filing such application practically asking for reargument of the petition which is already disposed of by a detailed and reasoned order. Accordingly, the application for recall of the order is not maintainable and stands disposed of.

BHARAT P. DESHPANDE, J.