

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

***INTERIM APPLICATION NO. 1564 OF 2024
IN
CRIMINAL WRIT PETITION NO. 3947 OF 2023***

Ashim Deb & Anr. ... Applicants

Versus

Judge Madhuri Avinash Anand & Ors. ... Respondents

Mr. Ashim Deb, the Applicant No.1 appears in-person

Mrs. P. P. Shinde, A.P.P for the Respondent No.6-State

**CORAM : REVATI MOHITE DERE &
MANJUSHA DESHPANDE, JJ.
MONDAY, 15th APRIL 2024**

P.C :

1 At the outset, we may note that the applicant No.1 insisted on arguing in-person, despite the Committee's report that he was not capable of arguing in-person. We also offered Legal Aid to the said applicant, however, he refused and insisted that he will argue his matter in-person. Accordingly, we heard the applicant No.1 in-person.

2 By the present interim application, the following interim reliefs are sought :

*“a. Be pleased to declare that the order passed by the Additional District and Session Court No.2, Panvel, Raigad, on December 13, 2023, concerning the discharge application under Exhibit 27 of the Special Case No. 60 of 2021 is **ERRONEOUS AND CONCOCTED**. And that the said order be revoked and set aside.*

b. Be pleased to pass an order directing to respondent No.5 to preserve the electronic evidence of the computer associated with the special court order generated below discharge application of special case No.60 of 2021 by the District and Session Court No.2, Panvel, Raigad dated on 13.12.2023.”

3 Thus, from the reliefs sought as aforesaid, it is evident that the applicant is challenging the order dated 13th December 2023 passed by the learned Additional Sessions Judge, Panvel, Raigad, by which, the applicant’s discharge application was dismissed.

4 The said order cannot be challenged by interim application. The applicant will have to file a substantive petition before the learned Single Judge challenging the order dated 13th December 2023 by which the learned Additional Sessions Judge, Panvel, Raigad, dismissed the applicant's application for discharge.

5 Considering the aforesaid, the application cannot be entertained as filed in the aforesaid proceeding. The same is accordingly rejected.

6 Needless to state that the applicant is at liberty to file an appropriate proceeding before the learned Single Judge for challenging the impugned order dated 13th December 2024, in accordance with law.

7 We make it clear that we have not gone into the

merits of the impugned order dated 13th December 2024 and as such, all contentions of all parties are kept open.

MANJUSHA DESHPANDE, J. REVATI MOHITE DERE, J.