

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

WRIT PETITION NO.965 OF 2024

Kalyan Bansidharrao Renge .. Petitioner

Versus

The State of Maharashtra and Ors. .. Respondents

...

Mr. Sanjeev Kadam i/b Mr. Prabhanjan Gujar, for the
Petitioner.

Mr. D. J. Haldankar, APP, for the Respondent – State.

...

**CORAM: BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.**

DATED : 3rd JULY, 2024

P.C:-

1. The learned counsel, Mr. Kadam has invited our attention to a reference order passed by the Division Bench of this Court at Nagpur in *Vijay Pralhad Varankar V/s. The Divisional Commissioner, Amravati Division, Amravati and Anr.* on 23.08.2018, and according to him, since the law as laid down by the Apex Court in the case of *Asfaq V/s State of Rajasthan*¹ did not consider the earlier decision of the Apex Court in *State of Haryana and Anr. V/s Jay Singh*² the reference was necessitated.

We would like to hear Mr. Kadam on this aspect, as

1. 2017 (15) SCC 55

2. AIR 2003 SC 1696

we are of the opinion that, in any case the authoritative pronouncement from the Apex Court would bind us, and the decision which has not considered the pronouncement of the Apex Court must pass sub-silentio, as we would be bound by the Apex Court decision.

Re-notify to 11.07.2024.

(MANJUSHA DESHPANDE, J.)

(BHARATI DANGRE, J.)