



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO. 427 OF 2024

Harshwardhan S/o. Raibhan Jadhav

Vs.

State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S. S. Sohoni, Advocate for petitioner.
Shri Aditya J. Gohokar, APP for respondent/State.

CORAM :- M. W. CHANDWANI, J.

DATED :- 08.05.2024

Heard.

2. The petition challenges the order dated 05.01.2024, passed below Exh.59, by the learned Adhoc District Judge, Nagpur in Sessions Case No. 803/2021, thereby rejecting the application of the petitioner for retracting the admission of the document made by the counsel for the petitioner/accused without authority of the petitioner.

3. It is contended that the petitioner has been tried for the offence punishable under Sections 353, 332 and 323 of the Indian Penal Code. The counsel for the petitioner, before the Trial Court, admitted the injury certificate of the victim. The contention is that the said admission is done by the counsel without authority of the petitioner. According to him, it is the defence of the

petitioner that no such alleged incident occurred therefore, admission of the said document is against very defence of the petitioner.

4. It is also contended that the learned Trial Court rejected the application of the petitioner without giving reasons on merit and just by mentioning that there is no such provision for retracting the admission.

5. According to the learned counsel for the petitioner, such application is maintainable. To buttress his submission, he seeks to rely upon the decision in the case of ***Faizan Ahmed Abdul Wahab Shah Vs. State of Maharashtra [2013 SCC Online Bom 2134]***.

6. Issue notice to the respondent, returnable after summer vacation.

7. The learned APP waives service of notice for the respondent/State.

8. If any adjournment application is made by the petitioner before the Trial Court, the same shall be considered.

(M. W. CHANDWANI, J.)