



IN THE HIGH COURT OF JUDICATURE AT BOMBAY BENCH
AT AURANGABAD

20 CRIMINAL APPLICATION NO. 1175 OF 2025
IN CRIMINAL WRIT PETITION NO.2022 OF 2024

VIJAY BABURAO DANEJ

VERSUS

RADHAKISHAN K. DAMANI AND OTHERS

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Advocate for Applicant : Mr. Jain Vishwajeet Ramesh.

APP for Respondent/s-State : Mr. K. K. Naik.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 01.04.2025

PER COURT :-

1. Heard learned counsel for the applicant and learned APP for Respondent No.3/State.
2. This application is for recalling the order dated 15.01.2025 passed by this Court in Criminal Writ Petition No.2022 of 2024. By order dated 15.01.2025, applicant was permitted to withdraw the petition.
3. Learned counsel for the applicant submits that the reasoned order was not passed by the learned Judge. It is submitted that though applicant received call from the lawyer representing him, he could not properly hear the lawyer and understand purport of the call. It is submitted that in fact the

applicant did not want to give any consent. It is submitted that applicant has good case on merits.

4. It is stated in the application that the matter was heard by the Co-ordinate Bench for some time on 15.01.2025. The Court was not inclined to pass order in favour of the applicant and therefore, that was indicated to the arguing counsel. The arguing counsel sought instructions on the telephone and thereafter, the petition was permitted to be withdrawn. There is nothing on record to indicate that applicant was actually travelling and he could not understand the purport of the phone call given by the arguing counsel. There is nothing on record to infer that under misconception of fact, the consent for withdrawal of the applicant was given by him.

5. There is no provision to recall the orders passed in criminal proceedings. However, on the limited grounds, the powers under Section 482 of Code can be resorted to namely suppression of material facts or fraud or violation of principles of natural justice. None of these grounds exist in the petition nor demonstrated by learned counsel, so, I do not find merits in the matter.

6. Criminal Application stands rejected.

(SHAILESH P. BRAHME, J.)

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vmk/-