



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.5007 OF 2024

IN

CRIMINAL WRIT PETITION NO.2865 OF 2024

Shakil Akhil Qureshi & Ors.

.....Applicants

In the Matter Between:

Shakil Akhil Qureshi & Ors.

.....Petitioners

Vs.

The State of Maharashtra & Anr.

.....Respondents

Dr. Uday P. Warunjikar, i/b. Ms. Gargi U. Warunjikar, for the Applicants.
Ms. Sangeeta D. Shinde, for Respondent No.1-State.

CORAM : A. S. GADKARI AND
DR. NEELA GOKHALE, JJ.

DATE : 15th JANUARY, 2025.

P.C.:-

- 1) By this Application, the Petitioners are seeking recall of order dated 3rd July 2024.
- 2) Heard Dr. Warunjikar, learned counsel for the Petitioner, Ms. Shinde, learned APP for Respondent No.1-State.
- 3) Paragraph No.1 of the order dated 3rd July 2024 reads as under:

“(1) After hearing the learned Advocate for Petitioners at length, when this Court was not inclined to grant any relief as prayed for, the learned Advocate on instructions seeks leave to withdraw the present Petition unconditionally.”

4) The Supreme Court in the case of *State of Maharashtra v. Ramdas Shrinivas Nayak & Anr.*¹ has held that, their Lordships were afraid that they cannot launch inquiry as to what transpired in the High Court. That, it was simply not done. That, public policy bars them. That, Judicial decorum restrains them. That, matters of judicial record are unquestionable. They are not open to doubt. Judges cannot be dragged into the arena. It is held that, it cannot allow the statement of judges to be contradicted by statements at the Bar or by Affidavit and other evidence. That, if the judges say in their Judgment that something was done, said or admitted before them, that has to be the last word on the subject.

5) It is a fact on record that, after hearing the learned Advocate for the Petitioner at length on 3rd July 2024, leave was granted to him to withdraw the Petition unconditionally. In view thereof, we find no reasons to recall the said Order on any ground.

6) Application is accordingly dismissed.

(DR. NEELA GOKHALE, J.)

(A. S. GADKARI, J.)

¹ (1982) 2 SCC 463.