

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINALL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.5745 OF 2004

R.S.Tripathi .. Applicant

vs.

State of Maharashtra & Ors. ..Respondents.

G.R.Dwivedi, Advocate for the Applicant.

Shri D.S.Mhaisapurkar. APP.

CORAM : S.R.SATHE, J.

DATED : 30th December, 2004.

P.C. :

1. Heard the learned Advocate for the petitioner as well as the APP. The learned APP has infact submitted that the police have no intention to secure police custody of the accused. It appears that the petitioner has approached the High Court directly instead of first filing the application before the Sessions Court, Alibag. Though it is true that powers under section 438 Cr.P.C. are given both to Sessions Court as well as to High Court, it is, the practice and

propriety demand that the petitioner should first approach the lower court i.e. Sessions Court.

2. Application is disposed of accordingly.

. Parties to act on the authenticated copy of this order.

(S.R.Sathe, J.)