

mst

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.3156 OF 2011

Ravindra Dhekane

Petitioner

versus

State of Maharashtra and another

Respondents

Mr.R.N.Sukhija for petitioner.

Mr.V.B.Konde-Deshmukh, APP for State.

CORAM : A.M.KHANWILKALR AND  
P.D.KODE, JJ.

DATE : 21<sup>st</sup> October 2011

PC :

1. The relief claimed in this petition, in our opinion, is ill-advised. The petitioner has been convicted and sentenced to undergo imprisonment by the Metropolitan Magistrate. The said decision has been upheld in appeal by the Sessions Court vide order dated 26.10.2010. If the petitioner so desires, he is free to pursue appropriate remedy against the said decision.

2. We are informed that the petitioner has already filed revision application against the decision of Sessions Court dated 26.10.2010. If it is so, the petitioner may be well advised to pursue appropriate remedy and to ask for appropriate interim relief in the said revision application. The argument of the petitioner that he has right to file revision cannot be countenanced. Entertaining a revision is the discretion of the Court. The fact that the petitioner can file revision within 90 days does not necessarily mean that the order of conviction

and sentence would remain in abeyance during the period of 90 days. There is no express provision in that behalf. In that view of the matter, the assumption of the petitioner that till the period of 90 days is over the warrant of conviction could not have been issued, is misplaced and ill-advised. Hence, this petition is dismissed.

3. As aforesaid, the petitioner may ask for appropriate interim relief in Revision Application No.102 of 2011 which will have to be considered on its own merits in accordance with law.

(P.D.KODE, J.)

(A.M.KHANWILKAR, J.)