NON-REPORTABLE

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

Miscellaneous Application No.42 of 2021

IN

Transferred Case (Criminal) No. 1 of 2020

Neelam Manmohan Attavar ...Applicant/Petitioner

Versus

Manmohan Attavar (D) through LRs. ...Respondent(s)

O R D E R

M.R. SHAH, J.

1. The present application has been preferred by the applicant/petitioner herein to recall the order passed by this Court dated 03.09.2020 passed in Transferred Case (Criminal) No. 1 of 2020.

2. We have heard the applicant-petitioner in person at length. When we pointed out to the applicant-petitioner in person that as earlier another application filed by her for the very same relief as

in the present application was dismissed by this Court, the second application for the same relief could not be maintainable, the applicant-petitioner in person submitted that one of us (Dr. Dhananjaya Y Chandrachud, J.) should recuse himself from hearing the present application. We see no valid and good ground for recusal by one of us. Merely because the order might not be in favour of the applicant earlier, cannot be a ground for recusal. A litigant cannot be permitted to browbeat the Court by seeking a Bench of its choice. Therefore, the prayer of the applicant-petitioner in person that one of us (Dr. Dhananjaya Y Chandrachud, J.) should recuse from hearing the present miscellaneous application is not accepted and the said prayer is rejected.

3. Now so far as the present application on merits is concerned, at the outset, it is required to be noted that earlier one other application was filed by the applicant-petitioner in person for the very relief, i.e., to recall order dated 03.09.2020 passed by this Court in Transferred Case (Criminal) No. 1 of 2020 and the same came to be lodged by the Registrar and the application challenging the order of the Registrar lodging the

application for recall of the order dated 03.09.2020 was dismissed. That thereafter, once again, the applicant-petitioner in person has preferred the present application for the very relief, i.e., for recalling of order dated 03.09.2020 which shall not be maintainable. Even otherwise, it is required to be noted that order dated 03.09.2020 was pronounced after hearing the applicant. As observed hereinabove, earlier IA for recalling of order dated 03.09.2020 was dismissed and at that time also the applicant-petitioner in person was also heard.

4. In view of the above, the present application also deserves to be dismissed and is accordingly dismissed. It is observed that the Registry shall not accept any further miscellaneous application on the subject matter of order dated 03.09.2020 or the order dated 29.10.2020 passed in IA No. 101770 of 2020 or in the present order.

.....J.
[Dr. Dhananjaya Y Chandrachud]

New Delhi; .....J.
February 05, 2021. [M.R. Shah]