

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2851 OF 2015
(Popatrao Laxmanrao Ghorpade Vs. Dattatraya Dnyandeo
Ghorpade and others)

Mr. Govind D. Tanpure, Advocate holding for
Mr. N.C. Garud, Advocate for the applicant
Mr. V.S. Badakh, A.P.P. for respondent No. 9/State

CORAM : M.T. JOSHI, J.
DATE : 21/10/2015

ORAL ORDER :

1. Heard learned counsel for the applicant.
2. Upon hearing, learned counsel Mr. Tanpure, holding for Mr. N.C. Garud, learned counsel for the applicant, on instructions, submits that the applicant wishes to withdraw the present application as the appeal would not be tenable in this Court. He submits that liberty to file similar proceedings in the Sessions Court may be granted and since the applicant/appellant was prosecuting the present proceeding in this Court bonafide, the time consumed in the present proceeding, may be directed to be appreciated by the learned Sessions Court while considering the delay condonation

application, if any, that would be filed before the Sessions Court.

3. The present application is allowed to be withdrawn with liberty to file similar proceeding in the Sessions Court. The learned Sessions Judge to appreciate, at the time of hearing the application for condonation of delay, if any, the fact that the present applicant was bonafide prosecuting his proceeding in this Court.

. The present application is accordingly disposed of.

[M.T. JOSHI]
JUDGE

npj/criapln2851-2015