

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

APPLICATION FOR LEAVE TO APPEAL (PVT) NO.27 OF 2014

Shri.Kallappa Ganpati Kulgude ... **Applicant**

V/s.

Bhagyalaxmi Trading & Ambica
Trading Co. & Ors.

... **Respondent**

.....

Mr.Manoj Apagonda Patil, Advocate for the Applicant.
Mr.Deepak Thakre, APP for the Respondent/State.

....

CORAM : ABHAY M. THIPSAY J.

DATED : 16TH JANUARY, 2015

P.C.

1. This is an application seeking leave to file an appeal. However, the order impugned is of discharge under section 245(2) of the Code of Criminal Procedure, from which no appeal lies. As such, there is no question of grant for leave.

2. The learned counsel for the applicant submits that he be permitted to file an application for revision or any other appropriate proceedings challenging the impugned order. Needless to say that, he shall be at liberty to do so. Obviously, should the question of limitation arise, the applicant shall be entitled to bring

to the notice of the Court concerned the period spent by him in prosecuting this application.

3. In view of this, the learned counsel for the applicant seeks permission to withdraw the application.

4. Granted.

5. The application is allowed to be withdrawn and stands dismissed as such.

(ABHAY M. THIPSAY J.)