

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.108 of 2015

Laxmichand R. Rambhia .. Applicant
Versus
Laxmichand Lalji Poladia & ors .. Respondents

Mr.Paras N. Vira, Advocate for the applicant.

Mr.Deepak Thakre, APP for the Respondent State.

CORAM : ABHAY M. THIPSAY, J.

DATED : 10th MARCH, 2015

P.C. :

1 Though by this application, leave to file an Appeal against order of acquittal is sought for, on examining the order, it appears to be of discharge. Undoubtedly, the Magistrate has made reference to section 256 of the Code of Criminal Procedure (for short 'the Code') which speaks of acquittal, but the case in question being a warrant case, the termination of the proceedings thereof before framing of the charge could be only by way of discharge. Reference to section 256 of the Code is incorrect and misleading.

2 When this view is expressed, the learned counsel for the applicant seeks permission to withdraw this application stating that he be granted liberty to file an application for revision before the Court of Sessions. Needless to say that he shall have such

liberty, he can also seek condonation of delay, if any, in filing of the Revision Application on the ground of pendency of the present proceedings before this Court.

3 With these observations, the Application is allowed to be withdrawn, and stands dismissed as such.

(ABHAY M.THIPSAY, J)