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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.4734 OF 2014

Vivek Goswami

... Petitioner

V/s.

Anshuman Shiv Dayal
and anr

.... Respondents

Mr. J. Shekhar a/w Mr. Narendra V. Sharma, for the petitioner.

Mrs. A.S. Pai, A.P.P., for the Respondent-State.

**CORAM : P.V.HARDAS &
DR. SHALINI PHANSALKAR-JOSHI, JJ.**

DATE : 15TH APRIL, 2015.

P.C. :

1. This petition under Article 226 of the Constitution of India was initially filed for quashing of the First Information Report, on the basis of which offence under C.R.No.36 of 2014 was registered against the petitioner under Sections 306 and 420 of the Indian penal Code, by Wakad Police Station. It appears that during the pendency of this petition, chargesheet came to be filed against the petitioner. The petitioner has placed before us a copy of the chargesheet.

2. Mr. J. Shekhar, the learned counsel for the petitioner, on

instructions from the petitioner, submits that since chargesheet has been filed, the petitioner may be permitted to withdraw this petition with liberty to file appropriate application before the trial Court seeking discharge of the petitioner.

3. We, see no impediment in acceding to the request made by the petitioner. Accordingly the petitioner is permitted to withdraw the petition with liberty to file appropriate application seeking discharge of the petitioner.

4. We further direct the trial Court that in the event application is filed by the petitioner, the trial Court shall endeavour to decide the same as expeditiously as possible.

5. The petition is accordingly dismissed as withdrawn with aforesaid directions.

[DR. SHALINI PHANSALKAR-JOSHI, J.]

[P.V.HARDAS, J.]