

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL WRIT PETITION NO. 1408 OF 2016

Dayabhai Galani @ Dayalal Danji
Galani @ DD

.....Petitioner

V/s.

The State of Maharashtra

....Respondent

Mr. A. M. Saraogi Advocate for Petitioner.
Mr. V. B. Konde-Deshmukh APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.
DATED : JUNE 8, 2016.

PC :

Heard learned counsel for the Petitioner and learned APP.

- 2) Rule. Rule made returnable forthwith with the consent of the parties.
- 3) It is the case of the Petitioner that a proclamation has been issued against him under section 82 of Code of Criminal Procedure, 1973 in crime no. 6 of 2011 registered at D. B. Marg Police Station. It is a matter of record that the whereabouts of the petitioner were allegedly not traceable. Today, learned counsel for the Petitioner submits that Petitioner is in custody as he has been arrested in another criminal case registered at the same police

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station.

4) In view of this, Petitioner seeks liberty to withdraw the petition. Liberty as prayed for is granted in the interest of justice with further liberty to the Petitioner to approach the Trial Court and file an application seeking recall of the proclamation. Learned Magistrate, without being influenced by the observation of this Court or the liberty granted in favour of the Petitioner, shall decide the said application on its own merits.

5) Rule made absolute in the above terms. Writ petition stands disposed of.

(SMT. SADHANA S. JADHAV, J.)