

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 423 OF 2016**

Yasmin Ashpak Patel & Anr.	...Applicants
Versus	
Mahenoor Shakeel Patel & Anr.	...Respondents

Ms. Malik Nazima Yusuf for the Applicants

Ms. Veera Shinde, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 26th APRIL, 2016

P.C. :

1. Learned A.P.P raises a preliminary objection. She submits that the applicants have an alternate efficacious remedy of filing an application for discharge.

2. Admittedly, the applicants have approached this Court directly, without availing of the alternate remedy i.e. filing of discharge application before the trial Court.

3. In view of the same, learned Counsel for the applicants seeks leave to withdraw this application, with liberty to file an appropriate application seeking their discharge from the said case before the trial Court.

4. If the applicants file an application seeking discharge from the said case, the same shall be decided as expeditiously as possible by the Trial Court, on its own merits, uninfluenced by the withdrawal of this application.

5. Accordingly the application is disposed of as withdrawn.

REVATI MOHITE DERE, J.