

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7252 OF 2016

Dr. Ashutosh Dinkar Jape

...Petitioner

vs.

State of Maharashtra and Others

...Respondents

Mr. V.D. Salunkhe, Senior Advocate a/w. Ms. Komal Kandhaarkar, for the Petitioner.

Ms. R.M. Shinde, AGP for Respondent No. 1.

Mr. R.M. Pethe, for Respondent Nos. 3 and 4.

CORAM : SHANTANU KEMKAR &
MAKARAND KARNIK, JJ.

DATE : **OCTOBER 18, 2016**

PC.:

. Parties through their counsel.

2. After arguing for some time, taking note of the preliminary objection raised by the counsel for the Respondents against the impugned action/decision that as the Petitioner has got remedy of filing the application under Section 451 read with section 457 of Code of Criminal Procedure, learned counsel for the Petitioner seeks leave to withdraw this Petition with liberty to the Petitioner to avail the aforesaid remedy. He submits that the J.M.F.C., Pune before whom the Criminal Case No. 2432 of 2016 is pending be directed to consider and take appropriate decision on the Petitioner's application as expeditiously as possible.

3. Having considered the prayer, we allow the Petitioner to withdraw this Petition with liberty to approach the J.M.F.C., Pune by filing appropriate application under Section 451 read with section 457 of Code of Criminal Procedure.

4. In case such application is submitted by the Petitioner, the same be considered and be decided in accordance with law as expeditiously as possible preferably within a week from the date of appearance of the parties before him.

5. The parties to appear before the 9th Joint Civil Judge, Junior Division and J.M.F.C., Pune before whom the matter is pending on 21st October, 2016 at 11 a.m.

6. With the aforesaid observation and direction, the Petition stands disposed of.

(MAKARAND KARNIK, J.)

(SHANTANU KEMKAR, J.)