

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2497 OF 2016**

Salim Qureshi & Ors.

...Petitioners

Versus

Shaikh Salim & Anr.

...Respondents

Mr. Prakash N. Wagh for the Petitioners

Ms. Pallavi Dabholkar, A.P.P for the Respondent No.2-State

CORAM : REVATI MOHITE DERE, J.
MONDAY, 28th NOVEMBER, 2016

P.C. :

1. At the outset, learned A.P.P raises a preliminary objection. She submits that the impugned order issuing process has not been challenged by the petitioners in the revisional Court. She submits that as there is an alternate remedy available to the petitioner, the aforesaid petition ought not to be entertained.

2. In view of the objection raised by the learned A.P.P, the learned Counsel for the petitioners seeks leave to withdraw this petition with liberty to file an appropriate application before the Sessions Court within two

weeks from today, challenging the very order which is impugned in the aforesaid petition.

3. Accordingly, the petition is disposed of as withdrawn with liberty as prayed. If the aforesaid revision application is filed along with the delay condonation application, the learned Sessions Judge to consider the fact that the aforesaid petition has been pending in this Court i.e. the aforesaid petition was filed on 20th July, 2016 and has been pending since then.

4. It is made clear that this petition has not been considered on merits and the learned Sessions Judge to consider the revision application if filed, on its own merits in accordance with law, uninfluenced by the withdrawal of this petition.

5. Petition is disposed of accordingly.

REVATI MOHITE DERE, J.