

nsc.

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

CRIMINAL APPLICATION NO.1144 OF 2015

Tribhuvan Singh	...Applicant
Versus	
The State of Maharashtra and Anr.	...Respondents

Mr.Rajendra Sorankar, for the Applicant.

Mr.S.R.Agarkar, A.P.P for the Respondent-State

Mr.Prasanna Bhangale, for the Respondent No.2.

CORAM : REVATI MOHITE DERE, J.

DATE : 1st SEPTEMBER, 2016

P.C. :

1. Learned Counsel for the Respondent No.2 has raised a preliminary objection with regard to the maintainability of the aforesaid application. He submitted that the appropriate remedy available to the applicant is by way of filing a Revision in the Sessions Court against the order issuing process.

2. In view of the said objection, learned counsel for the applicant seeks leave to withdraw this application with liberty to file a Revision in the Sessions Court, against the order issuing process.

3. Learned Counsel for the applicant states that the process was issued on 1st April, 2015 and that the present petition was filed immediately thereafter, however, now there will be a delay in filing the Revision Application before the Sessions Court.

4. Learned Counsel for the respondent no.2 states that he will not object/oppose the application for delay in filing the Revision Application, if so filed in the Sessions Court.

5. Accordingly, the application is disposed of with liberty as prayed. If a Revision Application is filed along with a delay condonation application, the learned Sessions Judge to take into consideration the pendency of the present application in this Court as well as the statement made by the learned counsel for the respondent no.2 that he will not object or oppose the application for delay in filing the Revision Application.

6. It is made clear, that this application has not been heard on merits. All contentions of both the parties are kept open.

7. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.