

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 5079 OF 2015

Petal Infosystems Pvt. Ltd. ... Petitioner.
Versus
The State of Maharashtra & anr. ... Respondents.

Mr. Rishi Bhuta a/w. Mr. Manish Bohra i/b. A.S. Khan & Associates,
advocate for petitioner.

Mr. Yogendra M. Kanchan, advocate for respondent No. 2.

Mr. V.B. Konde-Deshmukh, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J
DATE : AUGUST 2, 2016

P.C.:

1 Heard the learned Counsel for the petitioner, learned Counsel
for the respondent and the learned APP for State.

2 Rule. Rule made returnable forthwith with the consent of the
parties.

3 The learned Counsel for the Petitioner upon instructions seeks liberty to withdraw the Petition. Liberty as prayed for is granted in the interest of justice.

4 At this stage, the learned Counsel for the respondent submits that the complaint has been returned and is pending before the Andheri Court. It is also stated upon instructions that the complainant filed affidavit in lieu of evidence and therefore, it can be inferred that the trial has commenced.

5 The learned Counsel for the Petitioner rightly submits that there is no record to indicate that all the papers filed by the complainant were returned to complainant and the accused and there is no official record to the effect that the complainant had received all the documents, which were filed in the court of the first instance. If there is any discrepancy, the same be taken care of by the learned Metropolitan Magistrate, Andheri, who is seized with the matter.

6 The Writ Petition stands dismissed as withdrawn. Rule is discharged accordingly. The learned Magistrate shall not be influenced by the withdrawal of this petition. In any case, it pertains to the initial stages of the trial and shall have no bearing on the case.

(SMT. SADHANA S. JADHAV,J)