

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 309 OF 2016

Vijayraj S/o. Nathmal Singhvi (Jain) and ors.Petitioners
versus
The State of Maharashtra and anr.Respondents

Mr. Shirish Gupte, senior advocate along with Mr. Lokesh Digamberrao Zade, advocate for the petitioners.
Mrs. Aruna S. Pai, APP for the State.
Mr. Shivaji Annappa Masal, advocate for the respondent No.2.

**CORAM : RANJIT MORE &
SANDEEP K. SHINDE, JJ.**

DATE : 4th DECEMBER, 2017.

P. C. :

Mr. Gupte, learned senior advocate for the petitioners, having taken instructions from his client who is present before the Court, seeks leave to withdraw the petition with liberty to file a discharge application in the Trial Court, since charge-sheet is already filed in the subject crime. Leave with liberty as prayed for, is granted. The writ petition is dismissed as withdrawn.

2. It is made clear that we have not gone into the merits of the matter and all rights and contentions of the respective parties are kept expressly open to be agitated before an appropriate authority. In the

event, the petitioners file discharge application, the same shall be decided independently on its own merits and in accordance with law.

3. At this stage, Mr. Gupte, learned senior counsel stated that next date before the learned magistrate is fixed on 6th December, 2017 and the presence of the petitioners may be exempted. The petitioners are always at liberty to apply for personal exemption before the learned Magistrate and, in the event, such an application is preferred, the learned magistrate shall consider the same sympathetically.

4. All concerned to act upon a copy of this order duly authenticated by the Registry of this Court.

(SANDEEP K. SHINDE, J.)

[RANJIT MORE, J.]