

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

CRIMINAL WRIT PETITION NO.1692 OF 2016

Pyarelal Shivcharan Gautam	 Petitioner
versus	
The State of Maharashtra & Ors.	... Respondents
.....	

- Mr.P.D. Purway, Advocate for the Petitioner.
- Mr.J.P. Yagnik, APP for the State/Respondent.
- ASI – Mr.Salgaonkar, Gamdevi Police Station.

**CORAM : RANJIT MORE &
SARANG V. KOTWAL, JJ.**
DATE : 11th JULY, 2017.

P.C. :

1. The petition is filed seeking direction to the respondent to transfer the subject FIR.

2. The learned APP after having taken instructions from the concerned officer ASI Salgaonkar, Gamdevi Police Station, makes a statement that after completion of investigation in the FIR, “C” summary report is filed before 40th Additional Chief Metropolitan Magistrate, Girgaon, Mumbai.

3. In the light of above, the learned counsel for the petitioner seeks leave to withdraw the petition with liberty to contest the “C” summary report by filing the petition. Leave with liberty as prayed for granted.
4. The Writ Petition is accordingly dismissed as withdrawn.
5. It is made clear that we have not gone into the merits of the petition and all other contentions of the respective parties are expressly kept open.
6. The learned Magistrate shall not dispose off “C” summary report unless petitioner is heard. In the event “C” summary is not accepted by the learned Magistrate, the petitioner is at liberty to renew the prayers made in this petition by filing separate petition.

(SARANG V. KOTWAL, J.)

(RANJIT MORE, J.)