

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 2202 OF 2017

Narayan Prasad Goenka.

..Petitioner.

Versus

State of Maharashtra & Another.

..Respondents.

Mr. Pradeep Havnur for the Petitioner.

Mr. V. A. Sonpal, Special Counsel with Mrs. A. S. Pai, APP for the State.

Coram : RANJIT MORE &
PRAKASH D. NAIK, JJ.

Date : **October 9, 2017.**

P. C. :

1. Mr. Havnur, the learned Counsel for the Petitioner has filed a *praecipe* for speaking to the minutes in the order dated 3rd October 2017. By the said order, the above writ petition was disposed of recording the statement of learned Special Counsel for Respondent Nos. 1 to 3 that the Petitioner's application seeking sanction would be disposed of within the period of three months.

2. Mr. Havnur, the learned Counsel for the Petitioner now submits that in view of the recent Maharashtra State amendment to section 156(3) of the Code of Criminal Procedure, 1973, the Petitioner need to await for three months for the grant of sanction and since already the period of three months from the date of filing of

representation dated 18th May 2017 is over, the Petitioner is not required to approach this Court and no orders are required in that behalf. He, therefore, seeks recall of the order and permission to withdraw the writ petition.

3. Mr. Sonpal, the learned Special Counsel submits that he has no objection provided the issue whether State Amendment applies to the present case is kept open.

4. In the light of above statements, we recall our order dated 3rd October 2017 passed in this writ petition. We permit the Petitioner to withdraw the writ petition and same is accordingly disposed of. All points and contentions of the respective parties are kept open.

[PRAKASH D. NAIK, J.]

[RANJIT MORE, J.]