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

CRIMINAL APPEAL NO.520 OF 2017

Bharat Khandu Patil ... Appellant.

V/s.

The State of Maharashtra ... Respondents

**WITH
CRIMINAL APPLICATION NO. 897 OF 2017
IN
CRIMINAL APPEAL NO.520 OF 2017.**

Abhijit Pradip Khandagale .. Applicant/intervener.

In the matter between.

Bharat Khandu Patil ... Appellant.

V/s.

The State of Maharashtra ... Respondents

**ALONGWITH
WRIT PETITION NO. 2486 OF 2017**

Bharat Khandu Patil ... Petitioner.

V/s.

The State of Maharashtra ... Respondents

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**WITH
CRIMINAL APPLICATION NO. 311 OF 2017
IN
CRIMINAL WRIT PETITION NO.2486 OF 2017.**

Abhijit Pradip Khandagale .. Applicant/intervener.

In the matter between.

Bharat Khandu Patil ... Petitioner.
V/s.
The State of Maharashtra ... Respondents

Mr. A. P. Mundargi, Senior Advocate i/by S. P. Kadam for the Appellant and Petitioner i.e. in Appeal and Petition.

Mr.A. R. Kapadnis, APP for the Respondent State in appeal, petitioner and all applications.

Mr. Aniket U. Nikam i/by Aashish Satpute, for the applicant/intervener in both the applications.

**CORAM : RANJIT MORE &
DR.SHALINI PHANSALKAR-JOSHI, JJ.**

DATE : 27th NOVEMBER, 2017.

P.C. :

1] Mr. Mundargi, learned Senior Advocate, having taken instructions from the instructing Attorney, seeks leave to withdraw the appeal as well as the petition with liberty to raise ground of applicability of MCOA Act before the trial Court.

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2] Leave with liberty as prayed for is granted.

3] Appeal and the petition, both are dismissed as withdrawn.

4] It is made clear that we have not gone into the merits of the matter and all points and contentions raised by the parties are expressly kept open.

5] In the event, if the petitioner /appellant raises objection regarding applicability of MCOC Act, the trial Court, shall decide the same on its own merits.

[DR.SHALINI PHANSALKAR-JOSHI, J.]

[RANJIT MORE, J.]