

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

CRIMINAL WRIT PETITION NO.2883 OF 2017

Mr.Adil Fazle Rabbi Khan .. Petitioner.

Vs.

State of Maharashtra & Anr. .. Respondents.

Mr.Afroz A. Siddiqui for the Petitioner.

Mr.Vinod Chate APP for the Respondent-State.

CORAM : A. K. MENON, J.

DATED : 31ST JULY, 2017

P.C. :

1. By this petition, the petitioner seeks to challenge the order dated 18th July, 2017 whereby his application to travel abroad was rejected by the Metropolitan Magistrate, 51st Court, Kurla, Mumbai in connection with C.R No.100 of 2017. While rejecting the application the Court observed in paragraph 6 that the applicant has not clarified the period for which the applicant desires to stay abroad. Hence in the absence of any specific period given it would be difficult to permit the applicant to travel abroad for an uncertain period.

2. It is his case that he is employed in Saudi Arabia with M/s.Global Mozon Est. and that his visa is valid upto 8th August, 2017. He has relied upon a copy of the visa which according to him appears on his passport which indicates that visa is valid from 10th May, 2017 for a duration of 90 days.

3. Today, learned counsel for the petitioner submits that all particulars are now available with him and he is now in a position to provide dates on which he will travel and when he will return. He states that he will make an application before the same Court with all necessary documents and therefore he seeks permission to withdraw the petition. In the circumstances I pass the following order :

- (a) The writ petition is allowed to be withdrawn.
- (b) If any fresh application is made before the Metropolitan Magistrate, 51st Court, Kurla, Mumbai, the same may be considered on its own merits provided that the applicant has provided all particulars as required by the Court. Nothing in this order shall be deemed to be an adjudication on the merits of the case.
- (c) No order as to the costs.
- (d) Parties to act on an authenticated copy of this order.

(A.K. MENON, J.)