

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

WRIT PETITION NO. 4124 OF 2017

Rajesh Kuppuswamy

....Petitioner

Versus

Priya Rajesh & Anr.

....Respondents

Mr. Aseem Nagda with Mr. Kunal Chheda i/b. M/s. M.V. Kini & Co.
for the petitioner.

Mr. P.H. Gaikwad, APP for the respondent no.2/State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 12th OCTOBER, 2017

P.C. :

1. The learned counsel for the petitioner, on instructions, seeks leave to withdraw this petition with liberty to file application before the learned Magistrate for restoring the defence.

2. Leave with liberty granted. Writ Petition No. 4124 of 2017 is dismissed as withdrawn. It is made clear that all points and contentions including the question of maintainability of the application are kept open. The Magistrate shall decide the application for restoration of defence on its own merits in accordance with the law.

(SMT. ANUJA PRABHUDESSAI, J.)