

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

Cr. Application NO. 643 OF 2016

Rajendra Vitthal Raut

...Applicant

Versus

The State Of Maharashtra And Anr

...Respondents

Mr.Shirish Gupte, Senior Counsel with Mr.B.D.Joshi, Mr.Sachin Devkar i/b.
Mr.V.V.Purwant, for the Applicant.

Ms.Ashvini Takalkar, APP for the State.

Mr.Shailesh D.Chavan, for the Intervener.

CORAM : G.S. KULKARNI, J.**DATE : 4th January,2017.**

ORDER:

1. After this application was heard for some time, Mr. Gupte, learned Senior Counsel for the Applicant on instructions, seeks leave to withdraw this application, with liberty to move the learned Sessions Judge, as the requirement of proviso to Section 407 sub-section (2), would mandate.

2. Accordingly, the application is allowed to be withdrawn with liberty as prayed for, and disposed of as such. All contentions of the parties on merits of the application, are kept open.

3. At this stage Mr.Gupte, learned Senior Counsel for the Applicant submits that the Sessions Case is listed before the learned Trial Judge on 6th and 7th January,2017 and that the applicant be permitted to move an application for an adjournment before the Trial Court, as now the applicant intends to move the learned Sessions Judge as noted above. In this regard it would be permissible for the applicant to move an appropriate application before the learned Trial Judge, which shall be considered by the learned Trial Judge on its own merits.

4. As Criminal Application No.643 of 2016 is disposed of, Criminal application no.985 of 2016 (for intervention) would not survive and is accordingly disposed.

(G.S.KULKARNI, J.)