

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 4633 OF 2017

Janardhan Eknath Aatkale and anr. ...Petitioners

Versus

The State of Maharashtra and anr. ..Respondents

Mr. S. P. Kadam i/b. Mr. Anant Vadgaonkar, advocate for the petitioners.
Mr. F. R. Shaikh, APP for the State.

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

DATE : 22nd NOVEMBER, 2017.

P. C. :

Mr. Kadam, learned counsel for the petitioners, on instructions of petitioner No.2 who is present before the Court, seeks leave to withdraw the petition with liberty to raise the issue regarding applicability of the provisions of Section 302 of the Indian Penal Code, 1860 to the present petitioners in the subject crime before the Trial Court. Leave with liberty as prayed for, is granted. The writ petition is dismissed as withdrawn.

2. It is made clear that we have not gone into the merits of the matter and all rights and contentions of the respective parties are kept expressly open to be agitated before an appropriate authority.

[DR. SHALINI PHANSALKAR-JOSHI, J.]

[RANJIT MORE, J.]