

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

CRIMINAL WRIT PETITION NO.2394 OF 2011

Nilkanth Gangaram Chinchwade and ors. : Petitioners
versus
The State of Maharashtra and anr. : Respondents.

Mr. Jayesh B Kocheta for the Petitioners.
Mrs. A S Pai, Addl. PP for the Respondent/State.
Mr. Sanjeev Kadam i/by Mr. Raju Yamgar a/w Mr. A M Reddy for the
Respondent No.2.

**CORAM : R. M. SAVANT &
REVATI MOHITE DERE, JJ.**
DATE : 1st AUGUST 2018

P.C.

1 At the outset the learned counsel for the Petitioner Shri Jayesh Kocheta seeks leave to amend the prayer clause so as to lay a challenge to the charge-sheet, which has been filed after the above Writ Petition came to be filed. The learned counsel for the Respondent No.2 Shri Sanjeev Kadam has no objection to the amendment being allowed as the same being formal in nature. Hence leave granted. Amendment to be carried out forthwith.

2 The above Writ Petition is pending hearing and final disposal, however, in the intervening period an order dated 08/03/2018 came to be passed by the learned Assistant Charity Commissioner, Pune in the change report proceedings under Section 22 of the Maharashtra Public Trust Act, 1950. The findings recorded in the said proceedings are in favour of the

Petitioner No.1 herein who was the reporting trustee in so far as the said change reports are concerned. However we are informed that the said order is under challenge in an Appeal filed under Section 70 of the said Act before the Joint Charity Commissioner, Pune and that the said Appeal is pending.

3 In so far as the present proceedings are concerned, they have originally been filed for quashing of the FIR but now amended to seek quashing of the charge-sheet in view of the charge-sheet being filed.

4 The learned counsel for the Petitioner Shri Jayesh Kocheta after arguing for sometime on instructions of the instructing advocate seeks withdrawal of the above Writ Petition to invoke the statutory remedy by way of discharge under the Criminal Procedure Code. The above Writ Petition is accordingly allowed to be withdrawn. Needless to state that if any application for discharge is filed by the Petitioner, the same would undoubtedly be heard and decide on its own merits and in accordance with law. Rule in the above Writ Petition to accordingly stand disposed of in the aforesaid terms.

[REVATI MOHITE DERE, J]

[R.M.SAVANT, J]

**Laxmikant
Gopal
Chandan**

Digitally signed by
Laxmikant Gopal
Chandan
Date: 2018.08.03
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