

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL REVISION APPLICATION NO. 422 OF 2017**

Premchand s/o Gulabchand Nahar .. Applicant.

V/s.

The State of Maharashtra and Anr. .. Respondents.

Mr. C.K. Talekar I/b Talekar & Associates for the applicant.

Mr. R.M. Pethe, APP for the State.

Mr. S.R. Samel I/b Rajeev Sawant & Associates for respondent no. 2.

CORAM: A.S. GADKARI, J.

DATE : 5th July, 2019.

P.C.:-

At the outset, the learned counsel for respondent no. 2 submitted that, after the application of the applicant for discharge under section 227 of Criminal Procedure Code, 1973 has been rejected by the learned Additional Sessions Judge, Pune by its impugned order dated 27th July, 2017, in the interregnum, the Trial Court has framed the charge and therefore, the present Revision Application has become infructuous.

2 Mr. Talekar, the learned counsel for the applicants submitted that the applicants have already amended the present application and incorporated the prayer thereby challenging the Order of framing of charge.

3 In view of the deliberation which took place during the course of arguments, Mr. Talekar, the learned counsel for the applicant seeks leave to withdraw the application with liberty to question the correctness of framing of charge against the applicant by the Trial Court by its order dated 2nd January, 2019, below Exh. 96 in Sessions Case No. 711 of 2011, by way of adopting appropriate proceedings before this Court.

Leave and Liberty granted.

3 Application is disposed off as withdrawn with aforesaid liberty.

(A.S. GADKARI, J.)