

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

CRIMINAL WRIT PETITION NO.5461 OF 2017

Mr.Saurabh Srivastava

.... Petitioner

versus

State of Maharashtra & Anr.

... Respondents

.....

- Mr.Melvyan Fernandes a/w M.J. Sharma, Advocate for Petitioner.
- Mr.S.P. Shinde, APP for State.
- Mr.Sameer Reshamwala i/b. India Law LLP, Advocate for Respondent No.2.

CORAM : SARANG V. KOTWAL, J.

DATE : 12th DECEMBER, 2019

P.C. :

1. The Petitioner is challenging the orders of the Sessions Court as well as the Magistrate Court in this Writ Petition. The Metropolitan Magistrate, 23rd Court, Esplanade, had issued process u/s 138 r/w 141 of Negotiable Instruments Act, in C.C.No.2301815/SS/2016 on 29/07/2016, against the Petitioner and others. The Petitioner had challenged the order of issuance of process by way of Revision Application No.404/17

before Court of Sessions for Greater Mumbai. The Revision was dismissed vide order dated 06/11/2017. Thereafter the Petitioner has challenged both these orders in the instant Writ Petition.

2. Heard learned Counsel for the parties.
3. The Respondent No.2/complainant through its authorized officer has filed affidavit in reply. In paragraph No.7 of the said reply, specifically mentions that “Respondent no.2 does not have any objection to the prayers being granted to the extent they are applicable only to the Petitioner as mentioned in this Criminal Writ Petition.....”.
4. In view of this specific no objection, it appears that the Respondent No.2 does not want to proceed against the Petitioner. In this situation, the learned Counsel for the Petitioner has sought liberty to withdraw this Writ Petition with further liberty to approach trial Court for filing necessary

application. The learned Counsel for the Petitioner has made prayer in writing, which is taken on record. The learned Counsel for Respondent No.2 supports this contention.

5. Therefore, the Petition is allowed to be withdrawn with liberty to both the parties to approach the trial Court and seek necessary orders for dropping the Petitioner from the pending proceedings.

6. With the aforesaid observations and liberty, the Writ Petition is disposed off.

(SARANG V. KOTWAL, J.)