

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

906 CRIMINAL WRIT PETITION NO.227 OF 2021

BABUSING MEHERCHAND RATHOD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Ms.Shital E. Waghmare, Advocate for
petitioner;

Mr.R.V. Dasalkar, APP for respondent nos.1 &
2.

...

CORAM : RAVINDRA V.GHUGE
AND
B.U.DEBADWAR,JJ.

DATE : 16th March, 2021

PER COURT :-

1. The petitioner, who is the first informant in S.C.C. No.1498/2004 (new no.465/2009), has preferred this Petition on 11.02.2021 after the learned Judicial Magistrate, First Class, Khultabad exercised the powers under section 258 of Cr.P.C. and stopped the summary criminal proceedings on 09.11.2011.

2. It is after nine years and three months, that this Petition is filed praying for action against the Prosecutor and the Investigating Officer. There is no pleading

in the Petition as regards the passage of nine years and three months, except a bald statement that the petitioner was sending the applications to the Public Prosecutor and the last one was dated 23.07.2015.

3. The learned Advocate for the petitioner submits on instructions that the petitioner desires to withdraw this Petition and avail of a remedy, as may be permissible in law, for seeking restoration of SCC No.465/2009 (old no.1498/2004).

4. In view of the above, this Petition is disposed off with liberty to the petitioner to take recourse to a remedy, if permissible in law.

(B.U.DEBADWAR,J.)

(RAVINDRA V. GHUGE,J.)

SGA