

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.**

CRIMINAL APPLICATION NO. 2263 OF 2020

Surendra s/o. Jijabrao Pawar

...Applicant

Versus

The State of Maharashtra & Anr.

...Respondents

.....

Mr. R. M. Deshmukh, Advocate for the applicant

Mr. R. D. Sanap, APP for respondent / State

Mr. G. D. Jain, Advocate h/f Mr. V. S. Khairnar, Advocate for
respondent no. 2

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**CORAM : V. K. JADHAV &
SANDIPKUMAR C. MORE, JJ.**

DATE : NOVEMBER 15, 2021

PER COURT : -

1. We have heard learned Counsel for the applicant for
sometime.

2. Learned Counsel for the applicant has pointed out that
vide order dated 14.01.2016 passed in Criminal Application No. 6358
of 2015, this Court has quashed the FIR as against accused no. 1 in
connection with the present crime. However, this is a Sessions Case
No. 21/2017 pending in the Court of learned Sessions Judge,
Amalner, arising out of the Crime No. 183/2015 registered on

15.11.2015 with Amalner Police Station. We are not inclined to intervene in the matter since the Sessions Court is seized with the matter.

3. The learned Counsel for the applicant, at this stage, seeks leave to withdraw this application with liberty to the applicant to file an application for discharge before the Sessions Court in the pending case.

4. Leave granted. The application is dismissed as withdrawn with liberty to the applicant / accused to file an application for discharge in the pending case before the learned Sessions Judge. The learned Sessions Judge may consider the application that would be filed by the applicant for discharge on merits by keeping in mind the order dated 14th January, 2016 passed by this Court in Criminal Application No. 6358 of 2015.

[SANDIPKUMAR C. MORE]
JUDGE

[V. K. JADHAV]
JUDGE