

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

CRIMINAL APPLICATION NO. 294 OF 2020

Dharmendra Chhanalal Patel & Anr. ...Applicants

Versus

The State of Maharashtra & Anr. ...Respondents

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Mr. Tejar Barot a/w. Mr. Ravindra Suryawanshi, Archis Bhatt i/by.
Ravi Suryawanshi & Associates for applicants.
Mr. K.V. Saste, APP for State.

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**CORAM : S. S. SHINDE &
N. J. JAMADAR, JJ.**

DATE : 12th AUGUST, 2021.

P.C. :

1. The present applicants have filed Criminal Application No. 14 of 2017 (Dharmendra Chhanalal Patel & Anr. Vs. The State of Maharashtra), taking exception to the FIR, however, the said application was withdrawn on instructions, without seeking liberty to present the fresh application. The said application was allowed to be withdrawn and dismissed as such.

2. The present application is filed with the same prayer. In addition the prayer to quash the order passed dated 14th June, 2019 passed by Metropolitan Magistrate, Court No. 71, Bandra, thereby framing the charge, is sought.

3. Despite withdrawal of aforesaid application, taking exception to the FIR, this subsequent application is filed for the same relief. Admittedly, the applicants did not seek liberty to file the present application when the earlier application was withdrawn.

4. So far as the order dated 14th June, 2019, passed by the Metropolitan Magistrate is concerned, the applicants have alternate remedy of filing revision before the bench presided over by learned Single Judge.

5. With the above observations, the application stands disposed of, with liberty to avail of an appropriate remedy as available in law.

(N. J. JAMADAR, J.)

(S. S. SHINDE, J.)