

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

***INTERIM APPLICATION NO.1598 OF 2021
IN
CRIMINAL WRIT PETITION NO. 4322 OF 2017***

Ajoy Kumar Singh	...Applicant
Versus	
Central Bureau of Investigation	...Respondent

Mr. Rajeev N. Kumar for the Applicant

Ms. Ameeta Kuttikrishnan for the Respondent-CBI

Mr. A. R. Patil, A.P.P for the Respondent–State

***CORAM : REVATI MOHITE DERE, J.
(THROUGH VIDEO-CONFERENCING)
THURSDAY, 15th JULY 2021***

P.C. :

1 By this application, the applicant seeks restoration of the aforesaid petition which was withdrawn by the applicant/petitioner on 12th October 2020. He prays that the original writ petition be heard on merits.

2 Vide order dated 12th October 2020, this Court (Coram : Revati Mohite Dere, J.), the following order was passed in the aforesaid writ petition:

“1 Mr. Ponda, learned Senior Counsel appearing for the petitioner seeks leave to withdraw the aforesaid petition, on the ground that the petitioner has filed a discharge application in the trial Court in the year 2018 and that the same is pending. He, however, requests that the hearing of the discharge application be expedited.

2 Mr. Ponda states that the petitioner’s advocate has already concluded his arguments in the trial Court and only the counsel for the CBI has to argue his case.

3 Considering the aforesaid and since the hearing of the discharge application does not require the presence of the parties and can be heard through video conferencing, learned Special Judge to dispose of the discharge application as expeditiously as possible and in any event, within one month from the date of receipt of this order.

4 Petition is disposed of as withdrawn, on the aforesaid terms.

5 All concerned to act on the copy of this order, digitally signed by the Senior Private Secretary of this Court.”

3 Learned counsel for the respondent-CBI states that the trial Court has decided the applicant’s discharge application vide order dated 3rd November 2020 and has rejected the same. She submits that it is always open for the applicant to challenge the said order.

4 Be that as it may, since the aforesaid writ petition was withdrawn on the premise that the applicant has filed a discharge

application in the trial Court, no ground is made out to recall the said order. It is always open for the applicant to file a separate substantial petition challenging the order rejecting his discharge application or raising any other grounds raised in this petition.

5 Interim Application disposed of accordingly.

REVATI MOHITE DERE, J.