

IN THE HIGH COURT OF JUDICATURE AT BOMBAY BENCH  
AT AURANGABAD

68 CRIMINAL WRIT PETITION NO. 1412 OF 2020

AJIT SUBHASH DIVTE  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

.....  
Advocate for Petitioner : Mr. Temkar Rajendra K.  
APP for Respondents : Mr. K. S. Patil  
.....

CORAM : SARANG V. KOTWAL  
BHARAT P. DESHPANDE, JJ.  
DATED : 20 JUNE 2022

PER COURT:-

1. Learned APP pointed out that the Hon'ble Supreme Court in the case of *Luckose Zachariah alias Zak Nedumchira Luke and Others v. Joseph Joseph and Others* 2022 SCC OnLine SC 241, by referring to another judgment in the case of *Vinubhai Haribhai Malaviya v. State of Gujarat* (2019) 17 SCC 1, has held that the Magistrate retains the power of directing further investigation under Section 173(8) of Cr.P.C.

2. In this view of legal position, learned counsel for the petitioner prays for withdrawal of this petition with liberty to approach the Court

of Magistrate for issuing directions to investigate further under Section 173(8) of Cr.P.C. He seeks withdrawal with such liberty.

3. Permission is granted. The petition is allowed to be withdrawn with such liberty. The petition is disposed off.

**BHARAT. P. DESHPANDE, J.**

**SARANG V. KOTWAL, J.**