

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

CRIMINAL WRIT PETITION NO.5087 OF 2021

Avinash Ganesh Kulkarni ...Petitioner
Versus
State of Maharashtra ...Respondent

***WITH
CRIMINAL INTERIM APPLICATION NO.506 OF 2022
(FOR INTERVENTION)
IN
CRIMINAL WRIT PETITION NO.5087 OF 2021***

Santoshi Shankar Karanjawane ...Applicant
(Ori. Complainant)

IN THE MATTER BETWEEN:-

Avinash Ganesh Kulkarni ...Petitioner
Versus
The State of Maharashtra ...Respondent

Mr. Sanjeev P. Kadam i/b Mr. Prashant S. Hagare, for the Petitioner.

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

Ms. Manisha Devkar, for the Applicant/Intervener in IA/506/2022.

***CORAM : REVATI MOHITE DERE &
SHARMILA U. DESHMUKH, JJ.***

DATE : 24th AUGUST 2022

P.C. :

1. Heard learned counsel for the parties.
2. At the outset, the learned APP raises a preliminary objection. He submits that it is open for the petitioner to file an appropriate application seeking the very same relief as sought for by the petitioner in this petition i.e. for re-examination of PW1 and PW2 and for cross-examination of the said witnesses, before the trial Court.
3. In view of the preliminary objection raised by the learned APP, the learned counsel for the petitioner seeks leave to withdraw this petition with liberty to file an appropriate application before the trial Court for seeking re-examination of two witnesses i.e. PW1 and PW2 and for cross-examination of the said witnesses thereafter.
4. Petition is accordingly disposed of as withdrawn with liberty as prayed.

5. If an application is filed, the learned Judge to decide the same expeditiously, in accordance with law.

6. It is made clear, we have not gone into the merits of the petition and as such all contentions of all parties are kept open.

7. In view of the disposal of the petition, nothing survives for consideration in Interim Application being Interim Application No.506 of 2022. The same is disposed of accordingly.

8. All concerned to act on the authenticated copy of this order.

SHARMILA U. DESHMUKH, J.

REVATI MOHITE DERE, J.