

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 5729 OF 2021

Vaishali Kakasaheb Kamble	...Petitioner
Versus	
The State Of Maharashtra	...Respondent

• • • •

Mr. Vilas B. Tapkir, Advocate for the Petitioner.

Mr. S. R. Agarkar, APP for the Respondent – State.

CORAM : PRAKASH D. NAIK, J.
DATE : 17th JUNE, 2022.

PER COURT:

1. The Petitioner is aggrieved by order dated 28th January, 2020 rejecting the application for discharge passed by the learned Special Judge under the Maharashtra Control of Organised Crime Act, 1999 (for short "MCOC Act") Pune in MCOC Case No.11 of 2017 below Exhibit – 26 and 53.

2. Section 12 of the MCOC Act reads as follows :-

“ 12. (1) Notwithstanding anything contained in the Code, an appeal shall lie from any judgment, sentence or order, not being an interlocutory order, of a Special court to the High Court.

(2) Every appeal under this section shall be preferred within thirty days from the date of the judgment, sentence or order.”

3. In the light of the aforesaid provision, the petitioner will have to prefer an appeal under Section 12 of the MCOCA Act

challenging the impugned order.

4. Learned counsel for Petitioner on instructions seeks permission to withdraw this petition with liberty to prefer an appeal under Section 12 of the MCOC Act.

5. In view of submission, the petition is allowed to be withdrawn with liberty to prefer an appeal under Section 12 of the MCOC Act challenging the impugned order. In the event question of delay in preferring arises, the Petitioner would be at liberty to urge that this petition was pending in this Court for condoning delay, if any.

(PRAKASH D. NAIK, J.)