

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

***CRIMINAL WRIT PETITION NO. 5847 OF 2021***

|                                 |                |
|---------------------------------|----------------|
| Rajesh Yadav                    | ...Petitioner  |
| Versus                          |                |
| The State of Maharashtra & Anr. | ...Respondents |

Mr. Prabhakar Pandey for the Petitioner

Mr. A. R. Patil, A.P.P for the Respondent No.1–State

None for the Respondent No. 2

**CORAM : REVATI MOHITE DERE, J.**  
**THURSDAY, 7<sup>th</sup> APRIL 2022**

**P.C. :**

1            Learned A.P.P raises a preliminary objection with respect to the maintainability of the petition.

2            The petitioner has been convicted for the offence punishable under Section 138 of the Negotiable Instruments Act by the learned Metropolitan Magistrate 43<sup>rd</sup> Court, Borivali, Mumbai in CC

No.4304917/SS/2016. Instead of filing an appeal challenging the said judgment and order of conviction and sentence, the petitioner has filed the aforesaid petition. The said petition is not maintainable.

3           In view of the aforesaid, learned counsel for the petitioner seeks leave to withdraw the petition with liberty to file appropriate proceedings as maintainable in law.

4           Petition is accordingly disposed of as withdrawn with liberty as prayed.

5           It is made clear that this petition has not been heard on merits and as such, all contentions of all parties are kept open.

**REVATI MOHITE DERE, J.**