

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

CRIMINAL WRIT PETITION NO.6413 OF 2021

Sarfaraz Liyakat Shaikh

...Petitioner

Versus

State of Maharashtra and Ors.

...Respondents

Ms. Chandni Chawla, for the Petitioner.

Ms. P. P. Shinde, A.P.P for the Respondent – State.

Mr. Vishal Aroskar, Economic Offences Wing, Mumbai, is present.

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

DATE : 17th AUGUST 2022

P.C. :

1. Heard learned counsel for the parties.
2. At the outset, the learned APP raises a preliminary objection. She submits that the petitioner has approached this Court directly by way of the aforesaid petition, when infact there is an alternative efficacious remedy available to the petitioner of filing an

appeal before the Childrens' Court under Section 101 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter referred to as 'the said Act')

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 approach the Childrens' Court, by way of an appeal, under Section 101 of the said Act. She, however, submits that due to the filing of the aforesaid petition, there will be a delay in filing an appeal and as such the concerned Court be directed to consider the same.

4. It is open for the petitioner to file an appropriate appeal as provided under Section 101 of the said Act.

5. If an application for condonation of delay is filed, the said Court to consider the filing of the aforesaid petition in this Court.

6. At this stage, the learned counsel for the petitioner states that she will file an appropriate appeal within 10 days from today alongwith an application seeking condonation of delay. The said Court to decide the said application, as expeditiously as possible.

7. Petition is accordingly disposed of as withdrawn with liberty as prayed, on the aforesaid terms.

8. 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.

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

SHARMILA U. DESHMUKH, J.

REVATI MOHITE DERE, J.