

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**50 CRIMINAL WRIT PETITION NO.44 OF 2016
THE STATE OF MAHARASHTRA
VERSUS
GOVIND S/O DEORAO CHAURE AND ANR**

Mr.S.R. Yadav-Lonikar, APP for the petitioner-State.

Mr.G.K. Thigale (Naik), Advocate for respondent Nos. 1 & 2.

CORAM : KISHORE C. SANT, J.
DATED : 08.02.2023

PC :-

01. Learned APP submits that this petition is wrongly filed instead of filing appeal against acquittal, since the order under challenge is passed on an application filed for discharge of the accused and same is allowed. Therefore, remedy would be to file appeal against acquittal. In view of the same he prays that leave may be granted to withdraw the petition with liberty to file appropriate proceeding.

02. Leave granted. It is made clear that the time spent before this Court in this petition would be considered while considering the application for condonation of delay.

03. The petition is disposed off as withdrawn with aforesaid liberty.

[KISHORE C. SANT, J.]