

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL WRIT PETITION NO.1042 OF 2022**

**VIJAYKUMAR CHANDRAKANT DWASE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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Mr. V. S. Bedre, Advocate for the Petitioners.
Mr. S. B. Narwade, APP for Respondents-State.
Mr. K. N. Shermale, Advocate for Respondent No.2.

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : 03rd OCTOBER, 2023.

PER COURT:-

1. The learned APP points out that the impugned order dated 29.06.2022 is passed by the Additional Chief Judicial Magistrate (Court No.1), Sangamner thereby rejecting the prayer of the petitioners for discharge in Regular Criminal Case No.233/2011. He submits that the remedy of Revision under Section 397 of the Criminal Procedure Code is available to the petitioners. In view of such alternate remedy, the Writ Petition may not be entertained.

2. Faced with aforesaid situation, the learned Advocate appearing for the petitioner seeks permission to withdraw the Writ Petition with liberty to approach the Sessions Court by filing Revision. However, he submits that time consumed in prosecuting the present proceedings be considered in case the petitioner approached the Sessions Court.

3. In view of the aforesaid statement, Writ Petition is disposed of as withdrawn with liberty to the petitioners to avail the alternate remedy as permissible in law. However, time

consumed in prosecuting the present Writ Petition shall be taken into account while considering the limitation.

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/October-2023