

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 1322 OF 2022

SANDIP SUDHAKARRAO UDGIRKAR

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Petitioners : Mr. Ghanekar Nilesh S.

APP for Respondent No.1/State : Mr. Y. G. Gujarati

Advocate for Respondent No.2 : Adv. Gore Nikita Narayan (Appointed)

...

CORAM : KISHORE C. SANT, J.

DATE : 19th APRIL 2023.

Per Court :

1. After arguing the matter for sometime, learned APP and learned Advocate for respondent no.2 raised objection about the maintainability of the petition. It is submitted by the learned APP and the Advocate for respondent no.2 that the order under Section 319 is not an interlocutory order and therefore a remedy of revision is available to the petitioner. Learned Advocate for respondent no.2 relied upon the judgment in the case of **Mohit alias Sonu and Anr. Vs. State of U.P. and Anr.**, reported in AIR 2013 SC 2248.

2. After deliberating on this issue, learned Advocate for the petitioner seeks leave to withdraw the petition by praying that the interim relief be continued for four weeks.
3. Leave is granted. Interim relief granted by this Court by order dated 27.09.2022 shall remain in force for four weeks.
4. Looking to the efforts of learned Advocate for respondent no.2, as she has appeared through Legal Aid, she is entitled to fees Rs.10,000/-.
5. The Writ Petition is disposed off as withdrawn.

[KISHORE C. SANT, J.]

Najeb.