

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

CRIMINAL WRIT PETITION NO.1640 OF 2023
WITH CRIMINAL APPLICATION NO. 4137/2023

KRUSHNA SANJAY SURVE
VERSUS
THE STATE OF MAHARASHTRA

Mr. S. S. Jadhav, Advocate h/f Ms. S. R. Aurangabadkar, Advocate for the petitioner
Mrs. G. L. Deshpande, APP for the respondent/State
Mr. M. B. Sandanshiv, Advocate for the applicant in CA No. 4137/2023.

CORAM : R. M. JOSHI, J.

DATE : 8th NOVEMBER , 2023
(Through VC)

P.C. :-

1. When this Court has shown its disinclination to consider the prayer for transfer of the proceeding, learned counsel for the petitioner, on instructions, seeks leave withdrawal of the petition to the extent.
2. Learned counsel for the petitioner, however, states that the cost imposed of Rs.10,000/- is excessive and hence same may be interfered with the interest of justice.
3. Learned APP and learned counsel for the informant opposed the said contention.
4. This Court is of the view that since the accused persons are in jail

it would be necessary to recall the order. Impugned order stands modified to the extent of the imposition of cost. The order of cost stands set aside.

5. R and P be sent back to the concerned Court forthwith.

6. Registrar (Judicial) to make sure that the said proceeding be sent to the concerned Court by tomorrow itself.

7. Petition stands dismissed as withdrawn. Pending application, if any, stands disposed of.

(R. M. JOSHI, J.)

ssp