

Esha

IN THE HIGH COURT OF BOMBAY AT GOA

**CRIMINAL WRIT PETITION NO. 24 OF 2023
WITH
CRIMINAL MISC. APPLICATION NO. 32 OF 2023
IN
CRIMINAL WRIT PETITION NO. 24 OF 2023**

ARCHANA KUDCHADKAR ... APPLICANT
VS
DUKLE CONSTRUCTIONS REP
BY ITS PARTNER SAMEER G.
DUKLE AND ANR ... RESPONDENTS

Mr. Galileo Teles, Advocate for the Applicant.

CORAM: B.P. COLABAWALLA, J.

DATED: 2nd MARCH 2023

P.C.

1. After the above Writ Petition was argued for some time and when I was not inclined to entertain it, the learned Counsel appearing on behalf of the Petitioner sought leave to unconditionally withdraw the above Petition. He, however, requested that this order should not preclude the Petitioner from filing a detailed Application *inter alia* setting out the grounds for recall of the witness [Complainant], and which liberty has been granted in the impugned order.

2. In these circumstances, the above Writ Petition is dismissed as withdrawn. The Applicant shall be at liberty to file a detailed Application to recall the Complainant to be cross-examined as reflected in the impugned order. If such an Application is filed, the same shall be decided on its own merits and in accordance with law. This order shall not be construed to mean that the Petitioner is entitled to recall the Complainant for the purposes of cross-examination.

3. In view of the disposal of the Criminal Writ Petition, nothing survives in Criminal Miscellaneous Application No. 32/2023 and the same is disposed of accordingly.

4. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

B.P. COLABAWALLA, J.

VAIGANKAR
ESHA SAINATH

Digitally signed by
VAIGANKAR ESHA SAINATH
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