

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 1264 OF 2023**

Vijay Sitaram Kate

... Petitioner

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr. Aniket Vagal a/w. Mr.Kunal Pednekar for Petitioner.

Mrs.M.M. Deshmukh, A.P.P for Respondent No.1-State.

**CORAM : A. S. GADKARI AND
SHIVKUMAR DIGE, JJ.****DATE : 13th June 2023.****P.C. :**

1. Mr.Vagal, learned counsel for the Petitioner fairly submitted that, after completion of investigation of present crime, police have submitted chargesheet. He therefore on instructions seeks leave to withdraw present Petition with liberty to file an application for discharge, as contemplated under the provisions of Criminal Procedure Code before the Trial Court, if charge is not framed till date.

Leave and liberty granted.

2. Petition is disposed off as withdrawn with aforesaid liberty.

3. It is made clear that, present Petition is disposed off on the ground of availability of alternate remedy to the Petitioner and the Trial Court may not get influenced by the fact of withdrawal of present Petition and decide the application of the Petitioner for discharge on its own merits.

[SHIVKUMAR DIGE, J.]**[A.S. GADKARI, J.]**