

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.2325 OF 2021

Sudhakar Bhandare

Petitioner

versus

The State of Maharashtra

Respondent

Mr.Chaitanya Pendse i/by Mr.Akshay Gosavi, Advocate for Petitioner.
Mrs.M.M.Deshmukh, APP, for State.

**CORAM : A.S.GADKARI AND
PRAKASH D.NAIK, JJ.**

DATE : 5th April 2023

PC :

1. Record indicates that Trial Court has framed charge in the present case i.e. Special Case No.4 of 2015 below Exhibit-9 on 24th August 2017. The contention raised by Petitioner in the present Petition as to whether he is public servant or not, can be agitated by him at two stages namely by questioning of framing of charge by the Trial Court and/or during the course of trial.

2. In view thereof, learned counsel for Petitioner on instructions seeks leave to withdraw present Petition with liberty to question, framing of charge by adopting appropriate proceedings.

3. Leave and liberty granted subject to limitation as may be applicable as per Limitation Act.

4. Petition is accordingly disposed off as withdrawn with aforesaid liberty.

(PRAKASH D. NAIK, J.)

(A.S.GADKARI, J.)

MST