

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 1623 OF 2022**

Vijay Ramchandra Bangar And Anr.

...Petitioners

V/s.

State Of Maharashtra And Anr.

...Respondents

Mr. Rahul S. Kate for Petitioners.

Mr. Ghansham Jadhav for Respondent No.2.

Mr. S.S. Hulke, A.P.P. for the Respondent-State.

**CORAM : A. S. GADKARI AND
PRAKASH D.NAIK, JJ.****DATE : 23rd MARCH, 2023****PC.:-**

. Petitioners are having substantive alternate remedy by way of filing an application for discharge and/or to contest the case as may be permissible under the provisions of Criminal Procedure Code and without availing the said alternate remedy, the Petitioners have directly approached this Court by invoking jurisdiction under Article 226 of the Constitution of India.

2. In view thereof, Mr. Kate, learned Advocate for the Petitioners on instructions seeks leave to withdraw present Petition with liberty to file an Application for discharge and/or to contest the case arising out of C.R. No.128 of 2020 registered with Mhaswad Police Station, Dist. Satara, as per the provisions of Criminal Procedure Code.

Leave and liberty granted.

3. Petition is disposed off as withdrawn.
4. It is made clear that, this Court has not adjudicated the merits involved in the present Petition and the Petition is disposed off on the ground of availability of alternate remedy to the Petitioners.
5. The trial Court considering an application for discharge or other proceedings may not get influenced by the disposal of the present Petition while adjudicating the same.

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)