

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 237 OF 2020

Amol Baburao Gite ...Petitioner
Versus
The State of Maharashtra & Ors. ...Respondents

Mr. Laxman S. Deshmukh, for the Petitioner.

Mr. J.P.Yagnik, A.P.P for the Respondent-State.

Mr. Suryajeet P. Chavan for the Respondent No.2.

Mr. Saurabh Thorve, PSI, present.

*CORAM : REVATI MOHITE DERE &
SHARMILA U. DESHMUKH, JJ.*
DATE : 13th MARCH, 2023

P.C. :

1. Learned Counsel for the petitioner seeks quashing of the FIR bearing C.R.No. 162 of 2019, registered with the Samarth Police Station, Pune, for the alleged offences punishable under Sections 323, 324 r/w 34 of the Indian Penal Code and the provisions of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Learned APP submits that the petitioner has an alternative efficacious remedy to file a discharge application before the trial Court. Learned APP, on instructions, fairly submits that as far as SC/ST Act is concerned, in the chargesheet, there is no material to show that the aforesaid petitioner uttered any abuses in the name of complainant's caste.

3. In view of the objection raised by the learned APP with respect to an alternative remedy, learned Counsel for the petitioner seeks leave to withdraw with liberty to file a discharge application.

4. Since there is an alternative remedy, available to the petitioner, we deem it appropriate to relegate the petitioner to the trial Court. It is open for the petitioner to file a discharge application before the trial Court. The petition is accordingly disposed of as withdrawn with liberty as prayed.

5. If an application for discharge is filed, the learned Judge, to decide the same on its own merits, in accordance with law,

uninfluenced by the withdrawal of this petition.

6. All contentions of all parties on merits, are kept open.

7. All concerned to act on the authenticated copy of this order.

SHARMILA U. DESHMUKH, J.

REVATI MOHITE DERE, J.