

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

CRIMINAL APPLICATION NO.70 OF 2023

Manohar Damodar Tank	 Applicant
versus	
The State of Maharashtra & Anr.	 Respondents

**WITH
INTERIM APPLICATION NO.1362 OF 2023
IN
CRIMINAL APPLICATION NO.70 OF 2023**

Vansh Wavardhan Ghei	 Applicant
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IN THE MATTER BETWEEN :

Manohar Damodar Tank	 Applicant/ First Informant
versus	
The State of Maharashtra & Anr.	 Respondents
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- Mr. Agastya Desai i/b. Vikram Sutaria, Advocate for Applicant.
- Mr. A. R. Patil, APP for the State/Respondent.
- Ms. Roshni Singh, Advocate for Respondent No.2.
- Mr. Mihir Desai, Senior Advocate i/b. Vijay Hiremath a/w Arati Ranade, Intervenor in IA/1362/23.

**CORAM : SARANG V. KOTWAL, J.
DATE : 15th JUNE, 2023**

P.C. :

1. It is pointed out by learned Senior Counsel for the proposed Intervenor and proposed accused that the Applicant has an alternate efficacious remedy of approaching Court of

Sessions, by way of filing Criminal Revision Application against the order dated 07/01/2023 passed by the Metropolitan Magistrate, 12th Court, Bandra, Mumbai, rejecting the Applicant's application for further investigation, which he had asked for by way of a Protest Petition. Learned counsel for the Applicant therefore seeks liberty to approach the Court of Sessions by filing Criminal Revision Application. The Applicant seeks withdrawal of this application with such liberty. He submitted that the pendency of this application be taken into consideration while deciding the question of delay, if any, in filing the Revision Application.

2. Considering all these submissions, following order is passed :

ORDER

- (i) The application is allowed to be withdrawn with liberty to the Applicant to approach the Court of Sessions by filing Criminal Revision Application challenging the order dated 07/01/2023 passed

by the Metropolitan Magistrate, 12th Court, Bandra, Mumbai, below Ex.11, CC No.672/PW/2020.

- (ii) After such Revision Application is filed, the question of limitation shall be decided by taking into consideration the pendency of this application which the Applicant was diligently pursuing.
- (iii) After such Revision Application is filed, it shall be decided in accordance with law after hearing all the parties i.e. the complainant, the prosecution, the proposed accused and the accused who are already in custody. The application shall be decided as expeditiously as possible.
- (iv) All the questions are specifically left open.
- (v) The Criminal Application is disposed of.

(SARANG V. KOTWAL, J.)