

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

**CRIMINAL WRIT PETITION NO. 489 OF 2023
WITH
INTERIM APPLICATION NO. 1649 OF 2023
WITH
INTERIM APPLICATION NO. 1971 OF 2023
WITH
INTERIM APPLICATION NO. 1969 OF 2023
IN
WRIT PETITION NO. 489 OF 2023**

Ashwin Kantilal Gohil .. Petitioner

vs.

The State of Maharashtra .. Respondent

Mr. Ajinkya Udane, for the Petitioner through Legal Aid.

Ms. Anamika Malhotra, APP, for the Respondent-State.

**CORAM: A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.**

DATE : 27th OCTOBER, 2023.

P. C.:-

- 1) Heard learned Advocate appointed to represent the Petitioner at length. Perused the entire record produced before us.
- 2) The substantive relief sought by the Petitioner is to discharge him from the M.C.O.C. (Special Case) Case No.1276 of 2021, wherein he is an accused.

The Petitioner is having substantive alternate remedy under the provisions of Cr.PC., to file an Application for discharge before the concerned

Court, if the charges are not already framed or to contest the said case on merits.

- 3) By reserving the said alternate remedy, Petition is disposed off.
- 4) We grant liberty to the Petitioner to file Application for appropriate reliefs before the trial Court, if so advised and as may be permissible in law.
- 5) In view of disposal of Petition, Interim Application Nos. 1649, 1971 and 1969 of 2023 do not survive and are accordingly disposed off.
- 6) The Registrar (Judicial -II) to communicate this Order to the Petitioner who is lodged in Mumbai Central Prison.

(SHYAM C. CHANDAK, J.)

(A. S. GADKARI, J.)