

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO.2687 OF 2021**

Sashank Shekhar Jha

...Petitioner

V/s.

State of Maharashtra & Anr.

...Respondents

Mr.Atal Bihari Dubey, for the Petitioner.

Mr.Rajdeep Lahiri, for Respondent No.1.

Mr.Ajay Patil, APP for the Respondent-State.

Mr.Faniband, PI and Mr.Patil, PSI present from Malvani Police Station.

**CORAM : A. S. GADKARI AND
SHIVKUMAR DIGE, JJ.****DATE : 12th JUNE 2023.****PC. :**

1. Admittedly, in the present case Police have submitted charge-sheet. Petitioner's therefore are having substantive alternate remedy by way of filing an Application for discharge as contemplated under the provisions of Criminal Procedure Code, before the trial Court.

2. In view thereof, the learned Advocate for the Petitioner on instructions seeks leave to withdraw the present Petition with liberty to adopt alternate remedy i.e. to file an discharge Application before the Trial Court.

Leave and liberty granted.

3. Petition is disposed off as withdrawn with aforesaid liberty.

4. It is made clear that, this Court has not adjudicated the issues involved in the present Petition and it is disposed off on the ground of availability of alternate remedy. The Trial Court is requested not to get influenced by withdrawal of the present Petition, at the time of hearing of the Application for discharge, if any, filed by the Petitioner.

(SHIVKUMAR DIGE, J.)

(A.S. GADKARI, J.)