

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

WRIT PETITION NO. 1268 OF 2020

Kelan Atulbhai Doshi
V/S
C.B.I., B.S. & F.C. & Ors

....PETITIONER
....RESPONDENTS

Mr. Rahul Arote for petitioner
Smt. G. P. Mulekar APP for the respondent-state
Mr. Shantanu Thorat h/f. Adv. H. S. Venegavkar for respondent-CBI.

**CORAM : NITIN W. SAMBRE &
R. N. LADDHA, JJ**

DATED : 8th FEBRUARY, 2023

P.C.:

1. This Court after hearing the respective counsels for sometime, posed a query to learned counsel for the petitioner to demonstrate as to the consent extended by CBI in the matter of withdrawal of the prosecution. Learned counsel for the petitioner is unable to locate such clause in the consent order in compliance of which he claimed to have deposited an amount of Rs.2,16,00,000/-.
2. He would further urge that the orders delivered by this Court in WP/245/2020 and WP/730/2020 are already subjudice in the Apex Court at the behest of the respondent - CBI.
3. In the wake of above, on instructions learned counsel for the

petitioner made a motion for withdrawal of the petition. The petition as such stands dismissed as withdrawn.

4. In case of change in circumstances viz. dismissal of SLP preferred by respondent-CBI, it shall be open for the petitioner to take recourse to such remedy or steps as is permissible and available in law.

(R. N. LADDHA, J)

(NITIN W. SAMBRE, J.)

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