

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

CRIMINAL APPLICATION NO.44 OF 2023

Noorsabha Junaid Ahmed ShaikhApplicant
Versus
State of Maharashtra and others Respondents

Mr. Neeraj Yadav, Advocate a/w. Deepa Punjani, for the Applicant.

Mr. A.R. Patil, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 13th OCTOBER, 2023

P.C. :

1. Learned counsel for the Applicant submitted that the prayer in this Application is for transfer of the case from the Court of Judicial Magistrate, First Class, Palghar to the Court of Metropolitan Magistrate, 13th Court, Dadar, Mumbai because the FIR which has resulted in the case at Palghar is in the nature of second FIR about the same incident. The first FIR pertains to the investigation which has resulted in the case in Dadar Court.

2. Learned counsel submitted that the correct

course of action would be to seek quashing of the second FIR and to get the charge-sheet filed in the second FIR to be treated as supplementary charge-sheet in the first FIR. He submitted that he would explore the remedy in that manner and, therefore, at this stage is not pressing the present Application. He seeks leave to withdraw this Application by keeping all his contentions and remedies, which are available to him in law, open.

3. The request is accepted. The Application is allowed to be withdrawn. The Applicant is at liberty to adopt the appropriate proceedings in accordance with law. It is made clear that I have not made any observations on the merits of the matter. The Application is disposed of accordingly.

(SARANG V. KOTWAL, J.)