

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 898 OF 2023

GANESH
SUBHASH
LOKHANDE

Vikrant Dattatraya Deshmukh

...Petitioner

V/s.

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by GANESH
SUBHASH
LOKHANDE

Date:
2024.01.03
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The State of Maharashtra

...Respondent

Mr. Rahil Ahmed Siddiqui, appointed for the Petitioner.

Ms. Mahalakshmi Ganpathy, A.P.P. for the Respondent-State.

Mr. Mahesh Mule, S.P.P, a/w. Nidhi Narvekar, for the Respondent-State.

Mr. Gangadhar, Devde, I.O. API, Crime Branch.

Mr. Ranjeetsinh N. Patil, (Jailer Gr.II), Mumbai Central Prison.

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

DATE : 18th DECEMBER, 2023.

P.C.:-

1) By the present Petition received through jail, the Petitioner is seeking to drop the charges under Section 302 of Indian Penal Code from the F.I.R. No.15/2022 registered with Nhava Sheva Police Station, Navi Mumbai.

2) Learned APP, Ms. Mahalakshmi Ganpathy, for the Respondent-State, on instructions submitted that, after culmination of the investigation of the said case, a charge-sheet has been filed. The Special M.C.O.C. Case No. 84/2022, is pending for final adjudication on the file of learned Special Judge, At Panvel, District- Raigad. In the said case, till date the trial Court

has not framed charge against the Accused.

2) In view of the above, the Petitioner is having substantive alternative remedy by way of filing an Application for discharge before the trial Court or to file an appropriate Application for deleting Section 302 of IPC from the charge sheet qua him, if permissible under the provisions of law.

3) In view of the above, nothing further survives in the Petition and is accordingly disposed off.

(SHYAM C. CHANDAK, J.)

(A. S. GADKARI, J.)