

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 1459 OF 2023**

Otto Peter Philips

... Petitioner

V/s.

The State Of Maharashtra And Anr.

... Respondents

Ms. Kanchan Pathak for Petitioner.

Mr. Ajay Patil, APP for Respondent No.1-State.

Mr. Nitin P. Deshmukh for Respondent No.2.

**CORAM : A.S. GADKARI AND
PRAKASH D. NAIK, JJ.****DATE : 2nd MAY, 2023.****PC. :**

1. Admittedly, in the present case police have submitted charge-sheet in the Court of competent jurisdiction.

2. In view thereof, learned Advocate for Petitioner on instructions from Petitioner who is personally present in the Court, seeks leave to withdraw present Petition with liberty to file an Application for discharge as contemplated under the provisions of Cr.PC 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 Petition is disposed off as withdrawn with aforesaid liberty.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 issues and merits involved in the present Petition and it is disposed off on the ground of availability of alternate remedy to the Petitioners. The trial Court will not

get influenced by the fact of withdrawal of present Petition while considering the Application for discharge.

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)