

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

REVISION APPLICATION NO.133 OF 2021

ANIL KRISHNA JADHAV & ORS.

..APPLICANTS

VS.

THE STATE OF MAHARASHTRA & ANR.

..RESPONDENTS

Ms. Anjali Patil for the Applicants.

Adv. P.S. Potdar for Respondent No.2.

Ms. Anamika Malhotra, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : AUGUST 11, 2023.

P.C. :

1. It is seen from the impugned order that the trial Court was of the opinion that there is no challenge to the order passed by the Chief Judicial Magistrate directing investigation under Section 156(3) of the Code of Criminal Procedure, 1973 (for short "Cr.P.C."). Thus, the application below Exhibit 4 is not dismissed on merits as no contention on merits of the discharge application was raised. The same was rejected as not maintainable.

2. The application though was styled as under Section 227 of the Cr.P.C., the argument and consideration thereon was not under Section 227 of the Cr.P.C.

3. Learned counsel for the applicant seeks leave to withdraw the present revision application with liberty to file an appropriate application under Section 227 of Cr.P.C. for discharge before the trial Court, on merits.

4. It is made clear that if any such application is filed under Section 227 of Cr.P.C. for discharge, the same shall be considered by the trial Court on its own merits and in accordance with law without being influenced by the impugned order in this Revision.

5. The application is disposed of as withdrawn with liberty as prayed for.

(M. S. KARNIK, J.)