

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 1984 OF 2023**

Shivaji Madhukar Nalang & Anr.

.....Petitioners

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Mr. Niraj Prajapati for the Petitioner.

Mr. S.S. Hulke APP, for the Respondent-State.

Mr. Sunil Sonawane, PSI Charkop Police Station present.

**CORAM : A. S. GADKARI AND
SHIVKUMAR DIGE, JJ.**

DATE : 19th JUNE, 2023.

P.C.:-

1) Admittedly, after completion of investigation of present crime i.e. C.R. No.390 of 2022 registered with Charkop Police Station, Mumbai, police have submitted charge-sheet in the Court of 24th Metropolitan Magistrate, Boriwali, Mumbai and it has been numbered as C.C. No.1129/PW/2023.

2) In view thereof, the Petitioners are having alternate remedy of filing an Application for discharge.

Learned Advocate for the Petitioners therefore on instructions seeks leave to withdraw present Petition with liberty to file an Application for discharge as contemplated under the provisions of Cr.P.C., before the trial Court.

Leave and liberty granted.

- 4) Petition is disposed off as withdrawn with aforesaid liberty.
- 5) It is to be noted that, this Court has not adjudicated the issues involved in the present Petition and the Petition is disposed off on the ground of availability of alternate remedy in favour of the Petitioners. The trial Court is requested not to get influenced by the fact of withdrawal of the Petition while considering the Application for discharge.

(SHIVKUMAR DIGE, J.)

(A.S. GADKARI, J.)