

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 1252 OF 2021**

Sharad Gorakh Kapare

... Petitioner

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr. Sugandh B. Deshmukh for Petitioner.

Mrs.M.M. Deshmukh, A.P.P for Respondent-State.

Mr. Rajesh Bhosale for Respondent No.2.

**CORAM : A. S. GADKARI AND
PRAKASH D. NAIK, JJ.****DATE : 18th April 2023.****P.C. :**

1. Learned Advocate Mr.Rajesh Bhosale submitted that, in the cause title of Order dated 11th April 2023 his name has been erroneously typed as 'Mr.Rajesh Bansode' instead of 'Mr.Rajesh Bhosale'. The correct name is 'Mr.Rajesh Bhosale'.

Order dated 11th April 2023 be corrected accordingly and corrected Order be uploaded on the Official website of the High Court.

2. Mr.Deshmukh, learned Advocate for Petitioner, on instructions, submitted that, during the pendency of the present Petition police have completed investigation of the present crime i.e. CR No. 334 of 2020, dated 10th June 2020, registered with Baramati Taluka Police Station, Pune Rural

and have submitted chargesheet in the Special Court at Baramati.

3. In view thereof, learned Advocate for Petitioner on instructions seeks leave to withdraw present Petition with liberty to adopt alternate remedy i.e. either to file an application for discharge or to contest the said case, as contemplated under the provisions of Criminal Procedure Code, before the trial Court.

Leave and liberty granted.

4. Petition is disposed off as withdrawn with aforesaid liberty.

5. It is made clear that, this Court has not adjudicated the issue involved in the present Petition and it is disposed off on the ground of availability of alternate remedy. The Trial Court may not get influenced by the withdrawal of present Petition while deciding the application for discharge, if filed by the Petitioner.

[PRAKASH D. NAIK, J.]

[A.S. GADKARI, J.]

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