

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

CRIMINAL WRIT PETITION NO.3065 OF 2022

Sahil Dilawar Mulla

Petitioner

versus

The State of Maharashtra and another

Respondent

Mr.Mahindra Deshmukh, Advocate for Petitioner.

Ms.G.P.Mulekar, APP, for State.

**CORAM : A.S.GADKARI AND
PRAKASH D.NAIK, JJ.**

DATE : 26th April 2023

PC :

1. Admittedly after completion of investigation of present crime, Police have filed charge sheet. Petitioner is therefore having substantive alternate remedy either by way of filing an application for discharge or to contest R.C.C No.25 of 2021 pending on the file of Judicial Magistrate First Class, Nashik, and without availing said alternate remedy, Petitioner has directly approached this Court under Article 226 of the Constitution of India.

2. In view thereof, learned Advocate for Petitioner on instructions seeks leave to withdraw present Petition with liberty to avail alternate remedy as may be permissible under the provisions of Cr.P.C, before 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 Petition is disposed off as withdrawn with aforesaid liberty.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 the issues involved in present Petition and it is disposed off on the ground of availability of alternate remedy. In the event Petitioner files an application for discharge before Trial Court, such application be decided on its own merits, and without being influenced of the fact of withdrawal of present Petition.

(PRAKASH D. NAIK, J.)

(A.S.GADKARI, J.)

MST