

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

WRIT PETITION NO.1360 OF 2021

Somnath Bhausahab Gaikwad

..... Petitioner

Vs.

The State of Maharashtra & Anr.

..... Respondents

Mr. Bhushan Deshmukh for the Petitioner.

Mr. K. V. Saste, APP, for Respondent State.

Mr. Vivek Rane, i/b. Adv. Ashwin Kapadnis for Respondent No.2.

**CORAM : NITIN W. SAMBRE &
R. N. LADDHA, JJ**

DATED : 21st JUNE, 2023

P.C.:

1. It appears that the Petitioner is charge-sheeted for opening of tender for which the notice was issued well in advance and the tenders were received in between 15/02/2019 to 20/02/2019.
2. The claim is that the Respondents ought not to have proceeded against the Petitioner as pursuant to the tender notice the offers were received even prior to the date of the application of code of conduct.
3. As to whether the aforesaid claim of the Petitioner is justified or not cannot be gone into at this stage of the proceedings.
4. In view of the above, prayer is made for withdrawal of the Petition. The Petition is allowed to be withdrawn and stands

disposed of.

5. Liberty is granted to the Petitioner to approach the Court below for discharge, which prayer be considered in accordance with law without being influenced by the withdrawal of the Petition.

6. Ad-interim relief to continue for the period of four weeks from today.

(R. N. LADDHA, J)

(NITIN W. SAMBRE, J.)