

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

CRIMINAL WRIT PETITION NO. 2555 OF 2023

Xavier Britto Swamikannu

..Petitioner

Versus

The State of Maharashtra & Ors.

..Respondents

Mr. Jagdish S. Hegde for Petitioner.

Mr. A. R. Patil, APP for State/Respondent No.1.

CORAM : SARANG V. KOTWAL, J.

DATE : 27 JULY 2023

PC :

1. Learned counsel for the Petitioner seeks permission to withdraw this petition with liberty to approach the Court of Sessions for challenging the order dated 21.08.2018 passed by the Metropolitan Magistrate, 72nd Court, Vikhroli, Mumbai, in C.C.No.778/SS/2017; issuing process against the Petitioner U/s.138 r/w. 141 of the Negotiable Instruments Act, 1881.

2. Permission to withdraw the petition is granted with liberty to the petitioner to approach the Court of Sessions for challenging the said order. If such proceedings are filed, they shall be decided in accordance with law. If the question of delay arises

the said Court shall take into account the fact that the Petitioner was pursuing this petition before this Court.

3. With this observation and liberty, the petition is disposed of.

(SARANG V. KOTWAL, J.)