

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 3996 OF 2022**

Mahesh Babu Gunukula & Anr.

... Petitioners

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr. Tapan Thatte a/w. Mr.Rahul Chauhan for Petitioners.

Ms. M.M. Deshmukh, A.P.P. for Respondent No.1-State.

Ms. Seema Sarnaik a/w. Ms.Sangeeta Salvi for Respondent No.2.

**CORAM : A. S. GADKARI AND
PRAKASH D. NAIK, JJ.****DATE : 9th March 2023.****P.C. :**

1. Heard Mr.Thatte, learned Advocate for Petitioners, Ms.Deshmukh, learned A.P.P. for Respondent No.1-State and Ms.Sarnaik, learned Advocate for Respondent No.2. Perused record.

2. It is an admitted fact on record that, after completion of investigation of present crime, police have submitted chargesheet before the Court of competent jurisdiction.

In view thereof, a substantive alternate remedy by way of filing an application under Section 239 of Criminal Procedure Code (Cr.P.C.) is available to the Petitioner and without availing the said remedy, the Petitioner has directly approached this Court under Article 226 of the Constitution of India.

3. Mr.Thatte, learned Advocate for Petitioner therefore seeks leave to withdraw present Petition with liberty to avail the said alternate remedy available under Section 239 of Cr.PC..

Leave and liberty granted.

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 Petition is disposed off as withdrawn with aforesaid liberty.

5. It is needless to mention that, this Court has not expressed any opinion on merits of the case and both the parties are at liberty to agitate their contentions before the concerned trial Court.

[PRAKASH D. NAIK, J.]

[A.S. GADKARI, J.]

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