

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

CRIMINAL APPLICATION NO.768 OF 2023

Pawan Kumar Didwania

...Applicant

Versus

The State of Maharashtra & Anr

...Respondents

Ms. Priya Gupta, h/f Pranvesh Yadav, Advocate for Applicant.
Mr. Yogesh Y. Dabke, APP for State/Respondents.

**CORAM : SARANG V. KOTWAL, J.
DATE : 3rd NOVEMBER 2023**

PC :

1. The Applicant is the original complainant in S.C.C. No.256/2021 before the Judicial Magistrate First Class, Dadra and Nagar Haveli Silvassa. By the impugned order dated 7th March 2022 the learned Magistrate issued process against Accused Nos.1 and 2 but the complaint was dismissed against the Accused No.3. The Applicant has challenged that part of the order.

2. Learned Counsel for the Applicant submits that the Applicant has an alternate efficacious remedy of approach the Court of Session. She seeks permission to withdraw this Application with liberty to approach the Court of Session by filing

the Revision Application.

3. Permission is granted. The Application is allowed to be withdrawn with liberty to file Revision Application along with the Application for condonation of delay before the Court of Session. If the question of limitation is raised, the Revisional Court shall take into account the fact that, the Applicant was pursuing this remedy of the present Application before this Court. The Revision Application and the Application for condonation of delay be decided in accordance with law on their own merit.

4. The Application is allowed to be withdrawn and is disposed of with such liberty.

(SARANG V. KOTWAL, J.)