

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 845 OF 2016

Jai Kailash Vachhani

...Applicant

V/s.

The State Of Maharashtra And Anr.

...Respondents

Mr. Ganesh Gole a/w Mr. Ateet Shirodkar a/w Mr. Viraj Sheltkar for Applicant.

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

Mr. Kuldeep Patil for Respondent No.2.

Mr. C.D. Dalvi, (P.S.I.) Malad Police Station, Mumbai.

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

DATE : 21st APRIL 2023.

P.C.:-

. Present Application was heard for sometime on last occasion i.e. on 11.04.2023. In view of the deliberation in the Court on earlier occasion, Mr. Gole, learned Advocate for Applicant on instructions seeks leave to withdraw present Application with liberty to pursue his Application for discharge under Section 227 of Cr.P.C. already filed by the Applicant and pending for adjudication on the file of trial Court.

Leave and liberty granted.

2. In view of the leave granted by this Court, the statement made by Advocate Mr. Gole on 20.02.2023 and recorded in Paragraph No.2 of the Order of even date stands withdrawn from the record.

3. Application is disposed off as withdrawn with aforesaid liberty.
4. It is made clear that, this Court has not adjudicated the issue involved in the present Application on merits and it is disposed off on the sole ground of availment of alternate remedy for which the Applicant has already preferred an application for discharge and the same is pending for final adjudication before the trial Court.
5. The trial Court will not get influenced by withdrawal of the present Application while adjudicating the application for discharge preferred by the Applicant.
6. Record indicates that, the Application preferred by Applicant for discharge is of the year 2014. In view thereof, the learned Additional Sessions Judge, Dindoshi, Mumbai, seized of Sessions Case No.201 of 2014 is requested to decide the said Application as expeditiously as possible and in any event within a period of three months from the date of receipt of present Order.

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)