

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 5277 OF 2022

GANESH
SUBHASH
LOKHANDE

Dipak @ Anna Sitaram Kate and Anr.

...Petitioners

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by GANESH
SUBHASH
LOKHANDE

V/s.

Date: 2024.01.03
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State of Maharashtra & Anr.

...Respondents

Mr. Chaitanya Malgaonkar, a/w. Mr. Melwyn Pereira and Mr. Chirag Shah,
i/b. Akshay Gosavi, for the Petitioners.

Ms. Rachana Harpale, i/b. Sagar Kasar, for Respondent No.2.

Ms. Mahalakshmi Ganpathy, APP, for Respondent State.

CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.

DATE : 8th DECEMBER, 2023.

P.C.:-

1) In pursuance of Order dated 25th October, 2023, the Superintendent of Police, Pune [Rural] has filed a detailed Affidavit dated 1st December, 2023. It is stated that, both the incidents [i.e., incident in C.R. No. 599 of 2021 and C.R. No. 601 of 2021] are in respect of one single incident which was committed on 25th June, 2021, though the Complainant and witnesses are different, but both the offences are committed in the course of same transaction.

It is further stated that, the prosecution has no objection if both the charge-sheets are merged together and they are charged with and tried together as one trial, as both the offences are related to one and same

incident occurred on 25th June, 2021. That, the in-charge of Indapur Police Station, Pune [Rural] has already filed a letter in the Court of Hon'ble Judicial Magistrate First Class to merge both the matters and conduct the trial simultaneously.

3) In view of the above, the question of quashing subsequently lodged crime bearing No. 601 of 2021 does not survive.

4) Learned Advocate for the Petitioners, therefore seeks leave to withdraw Petition with liberty to adopt appropriate remedial measures under the provisions of Cr.P.C. before the trial Court.

Leave and liberty granted.

5) Petition is disposed off as withdrawn with aforesaid liberty.

(SHYAM C. CHANDAK, J.)

(A. S. GADKARI, J.)