

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

CRIMINAL WRIT PETITION NO.3508 OF 2019

Koushik Pradip Marathe & Ors.

.... Petitioners

versus

The Commissioner Pune Municipal
Corporation & Ors.

.... Respondents

.....

- Mr. Mahendra V. Kawchale (appeared through VC) a/w Premkumar Mishra, Advocate for Petitioners.
- Mr. Abhijit P. Kulkarni, Advocate for Respondent Nos.1 and 2.
- Ms. Sangita D. Shinde, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 05th DECEMBER, 2023

P.C. :

1. While arguing the matter it was noticed by the Court that the Petitioners have challenged the impugned orders passed by the Judicial Magistrate First Class, PMC, Pune, in different prosecutions bearing different numbers. Therefore it is not possible to pass a common order concerning the different orders passed in different proceedings.

2. Learned counsel for the Petitioners seeks liberty to withdraw this Petition with further liberty to file separate Petitions in respect of different prosecutions and different impugned orders of issuance of process. He submits that considering that the Petitioners were protected in this case by way of ad-interim relief since past few years, the same protection be extended for a period of four weeks, so that by that time he will file different Petitions and till then the Petitioners are protected.

3. Learned counsel for the Respondent Nos.1 and 2 leaves such extension for a period of four weeks to discretion of this Court.

4. Considering these submissions, the following order is passed :

ORDER

- (i) The Petition is allowed to be withdrawn with liberty to the Petitioners to file separate Petitions challenging the separate orders which are common subject matter of the present Petition.

- (ii) The Petitioners are at liberty to file separate Petitions within a period of six weeks from today.
- (iii) For the period of six weeks, the ad-interim protection granted in this Writ Petition, shall continue.
- (iv) It is made clear that all the contentions of both the parties including the question of maintainability, are specifically left open.
- (v) With these directions and liberty, the Petition is allowed to be withdrawn and is disposed of accordingly.

(SARANG V. KOTWAL, J.)