

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

CRIMINAL WRIT PETITION NO.2682 OF 2023

M/s. Regency Corporation
and others

.....Petitioners

Versus

The State of Maharashtra
and another

.... Respondents

Mr. Kushal Mor, Advocate for the Petitioners.

Mr. Arfan Sait, APP for the Respondent No.1-State.

Mr. Ishwar Nankani, Advocate a/w. Jagdish Choudhary,
Rhea Sinkar i/b. M/s. Nankani & Associates for the
Respondent No.2.

CORAM : SARANG V. KOTWAL, J.

DATE : 04th AUGUST, 2023

P.C. :

1. The Petitioners have challenged the order dated 11.7.2023 passed by the Metropolitan Magistrate, 58th Court, Bandra, Mumbai below Exhibit-107 in C.C. No.2379/SS/2015 rejecting their application under Section 254(2) of Cr.P.C. for issuing witness summonses to the defence witnesses Mukesh Lakhamshibhai Chavda and Dineshkumar Jabhu Rabadiya.

2. Learned counsel for the Petitioners does not press this Application and submits that he be allowed to withdraw this Petition. He submits the learned Magistrate be directed to decide the trial in accordance with law based on the evidence led before him and based on the submissions made by both the parties. The request is reasonable.

3. The Petition is allowed to be withdrawn. The learned Magistrate shall decide the trial in accordance with law based on the evidence led before him and based on the submissions made by both the parties. All contentions raised by both the parties are left open to be decided by the learned Magistrate while deciding the trial finally in accordance with law based on the evidence led before him and based on the submissions made by both the parties. The trial shall take its own course in accordance with law.

4. The Petition is disposed of accordingly.

(SARANG V. KOTWAL, J.)

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