

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

CRIMINAL APPLICATION NO. 1106 OF 2023

Babul Chandra Majumder	..Applicant.
Versus	
State of Maharashtra & Anr.	..Respondents

Mr. Twaipayan Banerjee a/w. Priya Rita i/b. Disha Korambar & Associates for Applicant.

Mr. Arfan Sait, APP for State/Respondent No.1.

Mr. Mihir Gheewala i/b. Vipul Shukla for Respondent No.2.

CORAM : SARANG V. KOTWAL, J.

DATE : 30 AUGUST 2023

PC :

1. Learned counsel for the Applicant submits that, he has directly approached this Court U/s.482 of the Cr.p.c., but he agrees that, he has an alternate remedy to approach the Court of Sessions to challenge the order of issuance of process. He seeks permission to withdraw this application with liberty to approach the Court of Sessions for challenging the same order.

2. Permission is granted. The Application is allowed to be withdrawn with liberty to the applicant to approach the Court of Sessions to challenge the order of issuance of process.

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3. If such application is preferred, it shall be decided in accordance with law. If a question of limitation arises, the Sessions Court shall take into consideration the fact that the Applicant was pursuing the remedy of the present application before this Court.

4. With this observation and liberty, the Application is allowed to be withdrawn and is disposed of.

(SARANG V. KOTWAL, J.)