

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

CRIMINAL WRIT PETITION NO.3932 OF 2021

Balaji Satish Manthalkar
versus
The State of Maharashtra

Petitioner

Respondent

Mr.Ritesh Thobde, Advocate for Petitioner.
Mr.S.S.Hulke, APP, for State.

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

DATE : 26th April 2023

PC :

1. Admittedly after completion of investigation of present crime, Police have filed charge sheet in the Court of Chief Judicial Magistrate, Solapur. Petitioner is therefore having substantive alternate remedy either by way of filing an application for discharge or contesting said case under the provisions of Cr.PC before Trial Court and without availing the said remedy, Petitioner has directly approached this Court under Article 226 of the Constitution of India.

2. In view thereof, learned Advocate for Petitioner on instructions seeks leave to withdraw present Petition with liberty to avail said alternate remedy as per the provisions of Cr.PC, before the Trial Court.

Leave and liberty granted.

3. Petition is disposed off as withdrawn with aforesaid liberty.

4. It is made clear that this Court has not adjudicated the issues involved in present Petition and it is disposed off on the ground of availability of alternate remedy. In the event Petitioner files an application for discharge before Trial Court, such application be decided on its own merits and without being influenced of the fact of withdrawal of present Petition.

(PRAKASH D. NAIK, J.)

(A.S.GADKARI, J.)

MST