

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

**CRIMINAL APPLICATION NO.937 OF 2023**

Kirti Divyangsinh Chauhan

.....Applicant

Versus

Babu M.P and another

.... Respondents

.....

**WITH**

**CRIMINAL APPLICATION NO.982 OF 2023**

.....

**WITH**

**CRIMINAL APPLICATION NO.984 OF 2023**

.....

**WITH**

**CRIMINAL APPLICATION NO.1001 OF 2023**

-----

Mr. Amit Ghag, Advocate a/w. Jay Joshi, Manan R. Shah i/b. M/s. I.R. Joshi and Co. for the Applicant in all APLs.

Mr. Arfan Sait, APP for the Respondent-State in APL Nos.937/2023, 982/2023 & 1001/2023.

Mr. Ajay Patil, APP for the Respondent-State in APL/984/2023.

Ms. Yagni Sarvankar, Advocate h/f. H.S. Venegavkar for Respondent No.2 in all APLs.

-----

**CORAM : SARANG V. KOTWAL, J.**

**DATE : 27<sup>th</sup> OCTOBER, 2023**

**PC. :**

1. Learned counsel for the Applicant submitted that the Applicant has directly approached this Court without availing the remedy of approaching the Sessions Court by filing Revision Application against the impugned order of issuance of process. He seeks leave to withdraw these Applications with liberty to approach the

Sessions Court by filing Revision Applications. His only request is that in case the question of limitation arises, the Sessions Court be directed to take into consideration the fact that the Applicant was pursuing this remedy before this Court. The request is reasonable. Hence, the following order is passed :

:: O R D E R ::

- i. The Criminal Applications are allowed to be withdrawn with liberty to the Applicant to approach the Sessions Court by filing Revision Applications.
- ii. If the issue of limitation arises, the Revisional Court shall take into consideration the fact that the Applicant was pursuing remedy of these Applications before this Court.
- iii. If such Revision Applications and Applications for condonation of delay are filed, they shall be decided in accordance with law on their own merits.
- iv. It is made clear that this Court has not expressed any opinion on the merits of the matter.
- v. With these observations and liberty, the Criminal Applications are allowed to be withdrawn and are disposed of as such.

(SARANG V. KOTWAL, J.)