

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 3878 OF 2022**

Vasudeo Madhukar Mhapsekar And Anr.

... Petitioners

V/s.

Central Bureau Of Investigation And Anr.

... Respondents

Mr. Prashant Sawardekar for Petitioners.

Ms. Priya Dubey h/f Mr. H. S. Venegaonkar for Respondent No.1-CBI.

Mrs. M. M. Deshmukh, APP for Respondent-State.

**CORAM : A.S. GADKARI AND
SHIVKUMAR DIGE, JJ.**

DATE : 23rd JUNE, 2023.

PC. :

1. As a matter of fact, Petitioners have already availed substantive alternate remedy by participating in the trial. Even as per the submissions of learned counsel for Petitioners, approximately 56 witnesses have already been examined by the trial Court and three witnesses are only remained to be examined.

2. The Hon'ble Supreme Court in the case of *Bombay Metropolitan Region Development Authority, Bombay V/s. Gokak Patel Volkart Ltd. And Ors., (1995) 1 SCC 642*, has held that, where there is not only the existence of an alternative remedy but the writ petitioner actually had availed of that remedy, in the said situation, Writ Petition should not be

entertained for the same and/or substantive relief as prayed for before the trial Court.

3. In view thereof, we are not inclined to entertain present Petition.

Petition is accordingly disposed off.

(SHIVKUMAR DIGE, J.)

(A.S. GADKARI, J.)