

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 4328 OF 2016**

Dinesh Singh

... Petitioner

V/s.

The State Of Maharashtra And Anr.

... Respondents

WITH**CRIMINAL APPLICATION (APPW) NO. 322 OF 2018**

Union Of India

... Applicant

V/s.

Dinesh Singh And Anr.

... Respondents

Mr. Sayali D. Nangre for Petitioner.

Mrs. G. P. Mulekar, APP for Respondent No.1-State.

Mr. H. S. Venegaonkar for Respondent No.2.

**CORAM : A.S. GADKARI AND
SHIVKUMAR DIGE, JJ.****DATE : 15th JUNE, 2023.****PC. :**

1. Admittedly after filing of charge-sheet the Petitioner has filed an Application for discharge below Exh-20 in CBI Special Case No.1642 of 2021 before learned Special Judge, Mumbai and the same is pending for final adjudication.

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 of the above, by reserving the right of the Petitioner to pursue his Application for discharge filed below Exh-20, Petition is disposed off.

4. It is needless to mention that, this Court has not adjudicated issues involved in the present Petition and it is disposed off on the ground of availment of alternate remedy by the Petitioner.

5. Record indicates that, the Application filed below Exh-20 is pending on the file of the Special Judge, Mumbai for final adjudication. In view thereof, the learned Special Judge, Mumbai is directed to expedite the hearing of Exh-20 and to make an endeavor to dispose it off within a period of three months from the date of receipt of present Order.

6. All the concerned to act on the basis of an authenticated copy of this Order.

7. In view of disposal of Petition, Criminal Application (APPW) No. 322 of 2018 does not survive and is also disposed off.

(SHIVKUMAR DIGE, J.)

(A.S. GADKARI, J.)