

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 5833 OF 2021**

Mohammad Sohaib Salim Khan

...Petitioner

Versus

The State Of Maharashtra And Anr

...Respondents

Mr. Shailendra Singh Advocate for Petitioner.

Mr. Shehzad Naqvi a/w Ms.Sana A. Samad and Ms.Shilpa Sharma
for Respondent No.2.

Mrs. G. P. Mulekar, APP for Respondent-State.

PSI Bharat Koyal, Nagpada Police Station is present.

**CORAM : A. S. GADKARI AND
PRAKASH D.NAIK, JJ.****DATE : 31st MARCH, 2023.**

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P.C.:-

1. Admittedly, in the present case after completion of investigation police have submitted charge-sheet. Thus, the petitioner is having substantive alternate remedy to file an application for discharge as contemplated under the provisions of Cr.PC.

2. In view thereof, learned Advocate for the Petitioner on instructions seeks leave to withdraw present Petition with liberty to file an application for discharge before the trial Court.

Leave and liberty granted.

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 Petition is disposed off as withdrawn with aforesaid liberty.

4. It is made clear that, the present Petition is disposed off on the ground of availability of alternate remedy and this Court has not adjudicated the issues involved in the present Petition. Both the parties herein are at liberty to agitate their contentions before the trial Court if the Petitioner files an application for discharge.

(PRAKASH D. NAIK, J.)

(A. S. GADKARI, J.)