

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 4346 OF 2022**

Ananda Vithoba Jagdale

... Petitioner

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr. D. D. Rananaware for Petitioner.

Ms. Mahalakshmi Ganpathy, A.P.P. for Respondent No.1-State.

Mr. Dilip Bodake for Respondent No.2.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.****DATE : 13th December 2023.****P.C. :**

1) Mr.Bodake, learned Advocate appearing for Respondent No.2, on instructions submitted that, as a matter of fact the Petitioner has already filed an application for discharge below Exhibit-18 in RCC No. 01 of 2022 pending on the file of learned Judicial Magistrate First Class, Vaduj, District Satara on 29th November 2023.

2) The Petitioner has thus availed the alternate statutory remedy under the provisions of Criminal Procedure Code. In view of the principles enunciated by the Hon'ble Supreme Court in the case of *Bombay Metropolitan Region Development Authority, Bombay Vs. Gokak Patel Volkart Ltd. & Ors. reported in (1995) 1 SCC 642*, after exhaustion of alternate remedy a Petition for similar relief is not maintainable.

3) In view of the above, present Petition as of today does not survive and is accordingly disposed off.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

Digitally signed
by OMKAR
SHIVAHAR
KUMBHAKARN
Date:
2023.12.16
10:35:17 +0530

OMKAR
SHIVAHAR
KUMBHAKARN