

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 4739 OF 2019**

Kamlakar Pralhad Panchal & Ors. ...Petitioners
V/s.
The State of Maharashtra & Anr. ...Respondents

Mr.Hrishikesh Mundargi a/w Mr.Rohan Holge i/b Mr.Sharan Bhagat,
for the Petitioners.

Ms.G.P. Mulekar, APP for the Respondent-State.

Mr.Randhir Singh, for Respondent No.2.

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

DATE : 20th JUNE 2023

P.C.

1. Admittedly, after completion of the investigation of the present crime Police have submitted charge-sheet in the Court of learned Judicial Magistrate First Class at Pune. Petitioner's therefore are having substantive alternate remedy by way of filing an Application for discharge as contemplated under the provisions of Criminal Procedure Code, before the trial Court.

2. In view thereof, learned counsel for the Petitioners, on instructions, of the Petitioner No.1, who is personally present in the Court seeks leave to withdraw present Petition with liberty to adopt

alternate remedy i.e. to file an Application for discharge before the Trial Court if charge is not framed till date, as contemplated under the provisions of Criminal Procedure Code.

Leave and liberty granted.

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 Petition is disposed off as withdrawn with aforesaid liberty.

4. It is to be noted that, this Court has not adjudicated issues involved in the Petition and it is disposed off on the ground of availability of alternate remedy. The Trial Court is requested not to get influenced by withdrawal of the present Petition, at the time of hearing of the Application for discharge, if filed by the Petitioner.

(SHIVKUMAR DIGE, J.)

(A.S. GADKARI, J.)