

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 4265 OF 2018**

Bismillah Abdul Rauf Shaikh & Ors.

.....Petitioners

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Mr. R.C. Mishra i/by Tripathi & Associates for the Petitioners.

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

Adv. Pooja G. Malik for the Respondent No.2.

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

DATE : 19th JUNE, 2023.

P.C.:-

1) Admittedly, after completion of investigation of present crime i.e. C.R. No.128 of 2018 dated 18th April, 2018 registered with Sahar Police Station, Mumbai, the police have submitted charge-sheet in the Metropolitan Magistrate 63rd Court, Andheri, Mumbai and the same has been numbered as CC No.685/PW/2021.

2) Petitioners are therefore having substantive alternate remedy by way of filing an Application for discharge before the trial Court.

3) In view thereof, learned counsel for the Petitioners on instructions seeks leave to withdraw Petition with liberty to file an Application for discharge as contemplated under the provisions of Cr.P.C., before the trial Court.

Leave and liberty granted.

4) Petition is disposed off as withdrawn with aforesaid liberty.

5) It is to be noted that, the Petition is disposed off on the ground of alternate remedy available to the Petitioners and the learned Magistrate seized of CC No.685/PW/2021 is requested not to get influenced by the fact of withdrawal of present Petition at the time of deciding the discharge Application.

(SHIVKUMAR DIGE, J.)

(A.S. GADKARI, J.)