

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 4272 OF 2017

Padmalochan Mishra

..Petitioner

Versus

Ajoy Banik & Anr.

..Respondents

Ms. Diva Devarsha i/b. Economic Laws Practice for Petitioner.

Mr. Jitendra B. Mishra a/w. Ashutosh Mishra for Respondent No.1.

Mr. A. R. Patil, APP for State/Respondent No.2.

CORAM : SARANG V. KOTWAL, J.

DATE : 1 AUGUST 2023

PC :

1. This petition was admitted vide order dated 11/09/2018. Now, a praecipe is moved on behalf of the petitioner for withdrawal of this petition. The praecipe mentions that the prosecution which was the subject matter of this petition does not survive any more. A copy of the order passed in that behalf is attached to the praecipe. The said order was passed in R.C.C.No.1260 of 2015 by the Chief Judicial Magistrate, Pune on 06/02/2023. The order records that the prosecution was permitted to withdraw from the prosecution in respect of the offences for which the accused were charged. Consequently the accused were

discharged.

2. Since the prosecution itself does not survive any more, a prayer is made on behalf of the petitioner for withdrawal of this petition.

3. Permission is granted. The petition is allowed to be withdrawn as it has become infructuous.

4. The petition is disposed of.

(SARANG V. KOTWAL, J.)