

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

CRIMINAL APPLICATION NO.1297 OF 2023

Ashok Lalachand Lunkad ...Applicant
Versus
The State of Maharashtra & Anr ...Respondents

Mr. Hrishikesh Ghorpade a/w Karan Parmar & Omkar Khedekar,
i/b Siddharth Mehta, Advocate for Applicant.

Mr. Yogesh Y. Dabke, APP for State/Respondents.

CORAM : SARANG V. KOTWAL, J.
DATE : 3rd NOVEMBER 2023

PC :

1. The Applicant has challenged the order of framing of charge. Learned Counsel for the Applicant submitted that there is an alternate remedy of filing of Revision Application before the Court of Session. However, the limitation period is over and, therefore, it was not filed. This is no ground for not approaching the Court of Session. When the Court expressed this opinion, learned Counsel for the Applicant sought permission to withdraw this Application with liberty to approach the court of Session with accompanying Application for condonation of delay.

2. Permission is granted. The Application is allowed to be withdrawn with liberty to the Applicant to approach the Court of Session by filing Criminal Revision Application with accompanying Application for condonation of delay. Both these Applications be decided on their own merits in accordance with law. It is made clear that this Court has not expressed any opinion on the merits of the matter or for reason of delay. The questions are left open.

3. With this liberty and observations, the Application is allowed to be withdrawn and is disposed of as such.

(SARANG V. KOTWAL, J.)