

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

CRIMINAL WRIT PETITION NO.3749 OF 2023

Parth Buildcon Pvt. Ltd

.....Petitioner

Versus

State of Maharashtra

and another

.... Respondents

Mr. Tushar Sonawane, Advocate a/w. Omkar Bhanushali for the Petitioner.

Mr. Arfan Sait, APP for the Respondent No.1-State.

Mr. Akshay H. Bankapur, for the Respondent No.2.

CORAM : SARANG V. KOTWAL, J.

DATE : 28th NOVEMBER, 2023

P.C. :

1. Learned counsel for the Petitioner does not press this Petition at this stage. He seeks liberty to approach the Appellate Court i.e. the Court of Additional Sessions Judge-6, Nashik (where the Petitioner's Appeal is pending) for modification of the order dated 22.8.2023. He seeks liberty to file an application for modification of the said order based on the observations made by the Hon'ble Supreme Court in the case of Jamboo Bhandari Vs. M.P. State Industrial

Development Corporation Ltd and others passed in Criminal Appeal No.2741/2023 on 4.9.2023. This judgment was not in the field when the impugned order dated 22.8.2023 was passed by the Additional Sessions Judge-6, Nashik. He seeks permission to withdraw this Petition with such liberty. The Petitioner is present in the Court.

2. Mr. Akshay Bankapur, learned counsel for the Respondent No.2 undertakes to file his Vakilpatra within one week from today. He submitted that he has no objection for this course of action.

3. Considering both these submissions, the Petition is allowed to be withdrawn with such liberty. It is made clear that if such an application is filed, the Petitioner shall give notice to the Respondent No.2 regarding such application. Said application, if filed, shall be decided in accordance with law. With this liberty, the Petition is allowed to be withdrawn and is disposed of as such.

(SARANG V. KOTWAL, J.)