

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

CRIMINAL WRIT PETITION NO.4478 OF 2022

Birappa Jakaraya Somutte ...Petitioner
Versus
State of Maharashtra and Anr. ...Respondents

Mr. Manjunath Kakkalameli, for the Petitioner.

Ms. S. S. Kaushik, A.P.P for the Respondent No.1 – State.

**CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.**

DATE : 16th FEBRUARY 2023

P.C. :

1. Despite the mandate of Section 228A of the Indian Penal Code, the learned counsel for the petitioner has disclosed the name of the respondent No.2/prosecutrix in the petition and in the cause-title.

2. Hence, we deem it appropriate to impose costs of Rs.2,500/- on the learned counsel for the petitioner. The said costs to be paid to the Kirtikar Law Library, Mumbai, within one week from today.

3. Learned counsel for the petitioner seeks leave to withdraw this petition, with liberty to file an appropriate application seeking the petitioner's discharge in the said case, before the trial Court.

4. Petition is accordingly disposed of as withdrawn with liberty as prayed.

5. If an application for discharge is preferred by the petitioner, the learned Judge to decide the same, on its own merits, in accordance with law, uninfluenced by the withdrawal of the aforesaid petition.

6. Needless to state that, all contentions of all parties on merits are kept open.

7. Stand over to **2nd March 2023**, for recording compliance of the said deposit of costs.

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.