

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

CRIMINAL WRIT PETITION NO.97 OF 2023

Abhay Goyal

.... Petitioner

versus

State of Maharashtra & Ors.

.... Respondents

.....

- Mr. Sujit Shelar a/w Manan Sanghai a/w Paarth Singh, Advocate for Petitioner.
- Mr. Arfan Sait, APP for the State/Respondent No.1.
- Mr. Rahul Sarda a/w Mr. Rohan Shah, Advocate for Respondent Nos.3 to 5.

CORAM : SARANG V. KOTWAL, J.
DATE : 05th JUNE, 2023

P.C. :

1. The Petitioner has challenged the order dated 01/10/2022 passed by the 32nd Metropolitan Magistrate, in CC No.162/MISC/2022. By the impugned order, the learned Judge rejected the Petitioner's prayer for issuing directions to the investigating agency to investigate the matter u/s 156(3) of Cr.PC. At the outset, learned counsel for the Petitioner states that he has an alternate remedy to approach the Sessions Court

by way of Revision Application. He seeks liberty to withdraw this Petition and to approach the Sessions Court by way of Revision Application challenging the impugned order.

2. Considering this request, the Writ Petition is allowed to be withdrawn with liberty to the Petitioner to approach the Court of Sessions challenging the same impugned order. It is made clear that all the contentions are specifically left open. While considering the period of limitation for filing the Revision, the Court shall take into account pendency of this Petition.
3. With these observations and liberty, the Writ Petition is disposed of.

(SARANG V. KOTWAL, J.)