

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 341 OF 2023**

Bikash Ranjan Daschaudhary

... Petitioner

V/s.

Union Of India & Anr.

... Respondents

Mr.Girish Kulkarni, Senior Advocate i/b. Mr.M.D. Pareek for Petitioner.

Mr.Harsh Dedhia i/b. Mr.Hiten Venegavkar for Respondent No.1.

Mr.Ajay Patil, A.P.P for Respondent No.2-State.

**CORAM : A. S. GADKARI AND
PRAKASH D. NAIK, JJ.****DATE : 4th May 2023.****P.C. :**

1. Admittedly, as per the record, the application preferred by the Petitioner for discharge under Section 227 of Criminal Procedure Code has been rejected by the trial Court and the said rejection has been upheld by the learned Single Judge of this Court by its Order dated 29th July 2022 in Criminal Revision Application No. 645 of 2018 and connected Revision Application. The said Order still holds field.

2. In view thereof, the Petitioner is having substantive alternate remedy to agitate his contention pertaining to the admissibility of the document in-question i.e. the interception of landline and mobile-phone of the Petitioner recorded under Section 5(2) of Indian Telegraph Act, 1885 before the trial Court at the time of trial.

3. Learned Senior Advocate therefore seeks leave to withdraw present Petition with liberty to agitate the said contention before the trial Court at the time of trial.

Leave and liberty granted.

4. Petition is disposed off as withdrawn with aforesaid liberty.

[PRAKASH D. NAIK, J.]

[A.S. GADKARI, J.]

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