

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 1055 OF 2023**

Saurabh Wable

.....Petitioner

Vs.

The State Of Maharashtra &amp; Anr.

.....Respondents

Adv. Bhakti Deshpande for the Petitioner.

Ms. G.P. Mulekar APP, for the Respondent-State.

**CORAM : A. S. GADKARI AND  
PRAKASH D. NAIK, JJ.****DATE : 24<sup>th</sup> MARCH, 2023.****P.C.:-**

Petitioner is having substantive alternate remedy by way of filing an Application for discharge under Section 227 of the Code of Criminal Procedure before the trial Court and/or to contest the Sessions Case No.699 of 2021 arising out of CR No.79 of 2019 registered with Malvani Police Station, Mumbai and without availing the said alternate remedy, he has directly approached this Court by invoking jurisdiction under Article 226 of the Constitution of India.

2) In view thereof, learned Advocate for the Petitioner on instructions seeks leave to withdraw present Petition with liberty to adopt appropriate alternate remedy as contemplated under the provision of Code of Criminal Procedure.

Leave and liberty granted.

- 3) Petition is disposed off, as withdrawn with aforesaid liberty.
- 4) It is made clear that, this Court has not adjudicated the issues involved in the present Petition and the Petitioner is at liberty to agitate his contentions before the trial Court.

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)

SANJIV  
SHARNAPPA  
MASHALKAR

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by SANJIV  
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Date: 2023.04.05  
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