

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
CRIMINAL APPLICATION (BA) NO. 300/2023
Vaibhav Vijaysingh Maliye .vs. State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R. S. Soni, Advocate for applicant
Mr. I. Damle, A.P.P. for non applicant -State.

CORAM : ANIL L. PANSARE, J.
DATE : MAY 4, 2023.

On 03.05.2023, following order was passed:

“Learned counsel for the applicant submits that prosecution has filed reply stating that charge-sheet has been filed. He, further on instructions, submits that charge-sheet has not been filed. Learned A.P.P. to take instructions on this point. Stand over 04.05.2023.”

Learned A.P.P. submits that statement made in the reply that charge-sheet has been filed, has been made inadvertently. He submits that the charge-sheet has not been filed but would be filed within ten days.

Learned counsel for applicant, on instructions, seeks permission to withdraw the present application with liberty to approach the trial Court afresh after filing of charge-sheet. She further makes a request to direct the trial Court to decide the application at the earliest.

I do not feel it necessary to issue such a direction, for the reason that the application under Section 439 of the Criminal Procedure Code, 1973 involves question of liberty of a person and that therefore the learned Magistrate is bound to decide it as expeditiously as possible.

The application is disposed of as withdrawn with liberty as prayed for.

(Anil L. Pansare, J.)