

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

CRIMINAL WRIT PETITION NO.2263 OF 2022

Atul Vinaychandra Shah

...Petitioner

Versus

The State of Maharashtra

...Respondent

Mr. Lokesh Zade, for the Petitioner.

Ms. P. P. Shinde, A.P.P for the Respondent – State.

API – Avinash Mate from Satara City Police Station, is present.

***CORAM : REVATI MOHITE DERE &
MANJUSHA DESHPANDE, JJ.***

DATE : 7th FEBRUARY 2024

P.C. :

1. At the outset, learned APP, Ms. Shinde, on instructions, states that after filing of the 'C' Summary Report on 16th February 2019, the petitioner filed a Protest Petition on 24th April 2019. She submits that pursuant to the representation made by the petitioner, after the filing of the 'C' Summary Report, the Director General of Police re-investigated the case with the permission of the concerned Court and after investigation again filed a 'C' Summary Report on 2nd

June 2022 i.e. after the aforesaid petition was filed. The aforesaid petition was filed on 28th April 2022 seeking transfer of investigation of C.R. No.646 of 2018, to any other police station or any other independent agency/State CID.

2. In view of the subsequent development i.e. filing of the second 'C' Summary Report, learned counsel for the petitioner, on instructions, seeks leave to withdraw this petition, with liberty to file a Protest Petition before the appropriate Court and contest the filing of the 'C' Summary Report.

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 Petition is accordingly disposed of as withdrawn with liberty as prayed.

4. If a Protest Petition is filed by the petitioner, the learned Judge to decide the same, expeditiously, on its own merits, uninfluenced by the withdrawal of the aforesaid petition.

5. We make it clear that we have not gone into the merits of the complaint and as such all contentions of all parties are kept open.

All concerned to act on the authenticated copy of this order.

MANJUSHA DESHPANDE, J.

REVATI MOHITE DERE, J.