

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

**WRIT PETITION NO. 4385 OF 2015**

Aasad Yahia Chaus And Ors

.. Petitioners

v/s.

The State Of Maharashtra And  
Anr

.. Respondent

Mr. Raju M.Yamgar a/w. Ms.Bharti Lokhande & Mr.Rajesh Kakad for the  
Petitioners.

Mr. J.P. Yagnik, APP for the Respondent-State.

Mr. Subhash Gutte a/w. Ms.Sayali Gutte for the Respondent No.2.

API Mr. S.Tate of Thane Nagar Police Station, present.

**CORAM : A. S. GADKARI &**

**SHYAM C. CHANDAK, JJ.**

**DATE : 8<sup>th</sup> MARCH, 2024.**

**PC. :**

1) Learned APP on instructions from A.P.I. Mr.Tate attached to  
Thane Nagar Police Station submitted that, investigation of present crime  
i.e. C.R.No.I-203/2015 registered with Kasarwadavali Police Station, Thane  
City, is completed. However, in view of Order dated 25<sup>th</sup> January 2017,  
charge-sheet has not been filed.

2) As the Police are intending to file charge-sheet, in view of the  
observations made by the Hon'ble Supreme Court in para No.8 in the case  
of *Iqbal alias Bala and Ors. Vs. State of U.P. and Ors (2023) 8 SCC 734:*  
*2023 Online SC 949*, learned counsel for the Petitioners on instructions  
seeks leave to withdraw the Petition with liberty to avail alternate remedy

**JYOTI  
RAJESH  
MANE**

Digitally signed  
by JYOTI  
RAJESH MANE  
Date:  
2024.03.18  
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under the provisions of Criminal Procedure Code before the trial Court.

Leave and liberty granted.

4) Disposed off as withdrawn with aforesaid liberty.

**(SHYAM C. CHANDAK, J.)**

**(A. S. GADKARI, J.)**