

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

CRIMINAL WRIT PETITION NO. 3863 OF 2017

Mubarak Abbas Devale
(since deceased through legal heirs) ..Petitioners
Versus
The State of Maharashtra & Ors. ..Respondents

Mr. Balasaheb G. Ligade for Petitioners.
Smt. M. R. Tidke, APP for State/Respondent.
Ms. Raufa Shaikh i/b. Yuvraj P. Narvankar for Respondent No.9.

**CORAM : SARANG V. KOTWAL, J.
DATE : 23 AUGUST 2024**

PC :

1. The petitioner is the original complainant in R.C.C.No.325 of 2008. The Respondent No.9 was the original Accused No.8 before the Trial Court. He preferred an application for discharge U/s.239 of the Cr.p.c., which was rejected. He challenged that order before the Court of Session at Islampur. That revision application was allowed and he was discharged from the case. The present petitioner being aggrieved by that order has preferred this criminal writ petition.

2. Learned counsel appearing for the Respondent No.9

raises a preliminary objection that there is an alternate remedy of preferring criminal revision application. She submitted that the first revision application was preferred by the Respondent No.9 before the Sessions Court, therefore, there was no bar for the present petitioner to prefer criminal revision application before this Court.

3. Considering this preliminary objection, the learned counsel for the petitioners seeks permission to convert this writ petition into criminal revision application.

4. Considering both these submissions, permission is granted. The Registry shall permit the learned counsel for the petitioners to take steps in that behalf to convert this writ petition into criminal revision application. After it is so converted, it be placed before the appropriate bench.

(SARANG V. KOTWAL, J.)