

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 3462 OF 2024

Sachin Chandrakant Salukhe

.....Petitioner

Vs.

The State of Maharashtra & Ors.

.....Respondents

Ms. Taribun Anwarullha Khan for the Petitioner.

Mr. Ashish I. Satpute, A.P.P. for the Respondent-State.

**CORAM : A. S. GADKARI AND
DR. NEELA GOKHALE, JJ.
DATE : 13th AUGUST 2024.**

P.C.:-

1) It is well settled position of law and as has been enunciated by the constitution Bench of the Hon'ble Supreme Court in the case of *Naresh Shridhar Mirajkar and Others Vs. State of Maharashtra and Another* reported in *AIR 1967 SC 1* and reaffirmed by another constitution Bench in the case of *A. R. Antulay Vs. R. S. Nayak and Another* reported in *(1988)2 SCC 602*, a Writ Petition under Article 226 of the Constitution of India is not maintainable challenging a judicial Order.

1.1) In the present case, the Order dated 2nd March 2024 passed below Exhibit-27 in R.C.C. No. 128 of 2018, pending on the file of learned Judicial Magistrate First Class (Court No. 3), Palghar, rejecting the Application for discharge preferred by the Petitioner, is under challenge.

1.2) According to us, the present Petition is thoroughly misconceived and not maintainable in law.

1.3) In view thereof, Ms. Taribun Khan, learned Advocate for the Petitioner seeks leave to withdraw the Petition with liberty to challenge the said Order dated 2nd March 2024 passed below Exhibit-27 in R.C.C. No. 128 of 2018, pending on the file of learned Judicial Magistrate First Class (Court No. 3), Palghar either under Article 227 of the Constitution of India or under Section 482 of the Cr.P.C. as may be permissible under the law, before the learned Single Judge of this Court.

1.4) Leave and liberty granted.

2) Petition is disposed off as withdrawn with aforesaid liberty.

(DR. NEELA GOKHALE, J.)

(A. S. GADKARI, J.)

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