

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

CRIMINAL APPEAL NO.748 OF 2024

Dr. Bhakti Arvind Mehare **....Appellants**

V/s.

The State of Maharashtra and Anr. **...Respondents**

WITH

CRIMINAL APPEAL NO.687 OF 2024

Dr. Hema Suresh Ahuja **....Appellant**

V/s.

The State of Maharashtra and Anr. **...Respondents**

WITH

CRIMINAL APPEAL NO.801 OF 2024

Dr. Ankita Kailash Khandelwal **....Appellant**

V/s.

The State of Maharashtra and Anr. **...Respondents**

Mr.Prakash L. Shetty with Mr. Abhishek Singh and Mr. Sagar Thakur for the Appellants in Appeal No.748 of 2024.

Mr. Ayush Pasbola for Appellant No.3 in Appeal No.801 of 2024.

Mr. Shyam Devani with Mr. Dashang Doshi with Mr. Sachet Makhija for the Appellant in Appeal No.687 of 2024.

Mr. Pradeep D. Gharal, Spl.PP with Ms Shilpa K. Gajare-Dhumal, APP for Respondent No.1-State in all the appeals.

Mr. Mihir Desai, Senior Advocate with Ms Pritha Paul i /b. Ms Lara Jesani for Respondent No.2 in all appeals.

Mr. Chetan Kakade, ACP, DCB, CID(Def.) Mumbai, present.

Mr. Rane, PSI, Unit-3 DCB, CID, present.

CORAM : SANDEEP V. MARNE, J.

Dated : 8 October 2024.

P.C.:

1) The learned counsel for the Appellants, on instructions, seeks leave to withdraw the appeals. They however, make a grievance about adverse observations made by the learned Sessions Judge in paragraph 8 of the order and about imposition of cost of Rs.25,000/- on each of the Appellants while dismissing the applications for discharge.

2) Learned counsel for the Appellants submit that it is the constitutional right of the Appellants to file application for discharge and that therefore, the learned Judge ought to have avoid the imposition of costs on the Appellants for having exercised their right under the law.

3) I am in agreement with the submissions canvassed by the learned counsel appearing for the Appellants. Even otherwise, it does not appear that the discharge applications remained pending for a long time. In that view of the matter while permitting the Appellants to withdraw the appeals, the directions by the learned Judge for payment of costs of Rs.25,000/- by each of the Appellants are set aside. To this limited extent, the order dated 29 May 2024 shall stand modified. All the rights and contentions raised by the Appellants are expressly kept open to be agitated during the course of the Trial and nothing observed by the learned Judge in the order dated 29 May 2024 shall be considered while deciding the cases finally.

4) With the above observations the appeals are allowed to be withdrawn and disposed of.

[SANDEEP V. MARNE, J.]