



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO.130/2023

(Smt. Subhadra Wd/o Hariram Navdhige Vs. Superintendent of Police, Nagpur Rural, Nagpur and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Vishwajeet S. Sambre, Advocate h/f Mr. R.R. Vays, Advocate for the petitioner.

Mr. S.M. Ukey, A.P.P. for respondent Nos.1, 2 and 4 / State.

Mr. G.O. Gadge, Advocate for respondent No.3

CORAM: SMT. VIBHA KANKANWADI & MRS.VRUSHALI V. JOSHI, JJ.
DATED: 18.6.2024.

Heard.

2. The respondent No.3 has challenged the impugned order dated 12.7.2022 passed by learned Sub-Divisional Magistrate and the said appeal is still pending before learned Collector. This fact was informed to this Court on 6.3.2024. Further it was informed that a Writ Petition No.7560/2023 seeking direction to Collector to decide the appeal expeditiously is pending before this Court.

3. The present petition has been filed seeking implementation of the order dated 12.7.2022 passed by Sub-Divisional Magistrate, Saoner, District Nagpur.

4. We may not go into the merits or other submissions, fact remains is that when the impugned order is pending before a forum and even as per the order dated 12.7.2022 it was informed to respondent No.3 that he can file an appeal before learned Collector and the said appeal is pending, we take that the said order which the petitioner wants to get implemented has not yet attained finality. The matter need not be kept till the appeal is decided.

5. Under the said circumstance, learned Advocate Mr. Sambre h/f Mr. R.R. Vyas, learned Advocate for the petitioner, upon instructions, seeks leave to withdraw the petition with liberty to approach this Court as and when occasion arises.

6. In view of the above said facts, the petitioner is allowed to withdraw the petition with liberty as prayed.

(MRS.VRUSHALI V.JOSHI,J.)

(SMT. VIBHA KANKANWADI,J.)