



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

CRIMINAL WRIT PETITION NO. 873/2024

(Shikshak Sahakari Bank Ltd., Nagpur V/s. M/s. Poday Patil Logistic Pvt. Ltd., Nagpur & ors.)

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

Court's or Judge's orders

Mr. A.M. Ghare, Advocate for petitioner.

CORAM: VINAY JOSHI AND
ABHAY J. MANTRI, JJ.

DATED : 23/10/2024.

Heard.

2. The petitioner is secured creditor seeking to quash and set aside the order dated 14.08.2024 passed by the 9th Joint Civil Judge, Senior Division and Additional Chief Judicial Magistrate, Nagpur in Cri. M.A. No. 2972/2024, by which the petitioner's urge for correction of order in terms of Section 152 of the Code of Civil Procedure has been rejected. It is informed that after rejection of said correction application, the petitioner has approached to the District Magistrate who has similarly issued an order under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 ("SARFAESI ACT") and in pursuance of said order, the possession has already been taken. For the wake of such position, the learned counsel for petitioner would submit that the petitioner be permitted to withdraw Cri. M.A. No. 2972/2024 as the purpose is served. So also,

permission is sought to withdraw Cri. M.A. No. 5540/2023 pending before the Chief Judicial Magistrate.

3. As per our understanding, we need not permit the petitioner for withdrawing his own application pending before the Chief Judicial Magistrate. The petitioner may apply to the concerned Court who shall dispose of the application since the petitioner himself is not interested to prosecute further.

4. Petition stands disposed of in above terms.

(ABHAY J. MANTRI, J.)

(VINAY JOSHI, J.)