

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.5271 OF 2024**

Neeraj Bimalkumar KayalPetitioner

Versus

State of Maharashtra & Anr.Respondents

Ms. Rajalakshmy Mohandas a/w. Ms. Mukta Chorge and Mr. Nehal
Farukh Azam i/b. Rajalakshmy Associates for the Petitioner.
Mr. R.M. Pethe, APP for the State.

**CORAM : RAVINDRA V. GHUGE &
RAJESH S. PATIL, JJ.
DATE : 28th FEBRUARY, 2025**

P.C. :-

1. This is a motion for speaking to the minutes of the
order dated 23rd January, 2025.

2. Our order clearly indicates that after we heard the
learned Advocate for the Petitioner, we were not inclined to
entertain the Petition. In short, we contemplated dismissal of the
Petition. When we expressed our disinclination, the learned
Advocate for the Petitioner Ms. Rajalakshmy Mohandas did not
desire to invite an order of dismissal and expressed a desire to
withdraw the Writ Petition. It is in these circumstances that we had
passed an order of disposing off the Petition, on instructions.

3. Today, the learned Advocate for the Petitioner submits, audaciously, that she never wanted to withdraw the Petition. When we reminded her of the first paragraph of the order wherein we expressed our disinclination, meaning that we were to dismiss the Petition, she has withdrawn her statement and tenders an apology. She then makes a request that, with the withdrawal of the Petition, liberty to avail of a remedy, as may be permissible in law, after filing of the chargesheet, may be granted. We accept this request.

4. Therefore, paragraph 3 of the order dated 23rd January, 2025, would read as under :

*3. In view of the above, **this Writ Petition is disposed off as withdrawn**, on instructions. If the Petitioner avails of a remedy after filing of the chargesheet, as may be permissible in law, the withdrawal of this Petition would not be an impediment and all contentions are kept open.*

5. In view of the above, **this motion is disposed off.**

6. The corrected order be uploaded.

(RAJESH S. PATIL, J.)

(RAVINDRA V. GHUGE, J.)