

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

CRIMINAL WRIT PETITION NO. 44 OF 2025

Mr. Rakesh Surendra Bhalla .. Petitioner

Vs.

The State of Maharashtra & Anr. .. Respondents

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Ms. Shaila M. Joshi, Advocate for the Petitioner.

Mrs. M. M. Deshmukh, I/c Public Prosecutor for Respondent No.1-State.

Mr. Nikhil Chaudhari i/by Mr. Amarjeet Kori, Advocates for Respondent No.2.

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**CORAM : SHREE CHANDRASHEKHAR, CJ &
GAUTAM A. ANKHAD, J.**

DATE : 20th NOVEMBER 2025.

P.C. :

An allegation has been made by the learned In-charge Public Prosecutor and the learned counsel appearing for the respondent no.2 that the petitioner suppressed a vital fact in this writ petition inasmuch as there is no reference of the order dated 14th October 2024 in Criminal Writ Petition No. 2438 of 2024.

2. A glance at the order dated 14th October 2024 would indicate that Writ Petition No. 2438 of 2024 was withdrawn with a liberty to avail the remedy of filing the application for discharge before the trial Court at an appropriate stage. In that view of the matter, the said writ petition was disposed of a withdrawn with an observation that if an application for discharge is preferred that shall be decided on its own merits.

3. In the aforesaid facts, it cannot be said that the present writ petition cannot be entertained on the ground of suppression of material facts. This is always a liberty with the accused in a criminal case to explore the possibility of remedy in law as available to him.

4. However, without going further, we observe that cognizance of the offence has already been taken by the Court concerned. The learned counsel for the petitioner refers to Rule 2(II)(h) under Chapter-I of the Bombay High Court Appellate Side Rules, 1960 and seeks permission to withdraw this writ petition.

5. Therefore, reserving a liberty with the petitioner to challenge the order taking cognizance, Writ Petition No.44 of 2025 is dismissed as withdrawn.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]

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