

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 66 OF 2025**

Lilaben Manibhai Patel & Anr.

.....Petitioners

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Ms. Dimple Shah a/w Adv. Bharat Jain and Adv. Hrishikesh Tajane i/by IC Legal for the Petitioners.

Smt. Prajakta P. Shinde APP for the Respondent-State.

Mr. C.K. Pendse a/w Adv. Prashant D. Jadhav and Adv. Madhusmita Sahoo for the Respondent No.2.

**CORAM : A. S. GADKARI AND
RAJESH S. PATIL, JJ.**

DATE : 3rd JULY, 2025.

P.C.:-

- 1) Mr. Pendse, learned counsel for the Respondent No.2 on instructions submitted that, the Petitioners have already availed alternate remedy by way of filing an Application for discharge before the trial Court.
- 2) The Hon'ble Supreme Court in the case of *Bombay Metropolitan Region Development Authority, Bombay Vs. Gokak Patel Volkart Ltd. & Ors. reported in (1995) 1 SCC 642*, has held that, where there is not only the existence of an alternative remedy but the writ petitioner actually had availed of that remedy, the writ petition should not

have been entertained.

3) As the Petitioners have already availed an alternate remedy of filing an Application for discharge, we are not inclined to entertain the Petition and is accordingly dismissed *in limine*.

(RAJESH S. PATIL, J.)

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

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