

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

WRIT PETITION NO. 120 OF 2025

Vivek Shrikant Pandey ... Petitioner
versus
State of Maharashtra & Anr. ... Respondents

Mr.Raghavendra Mehrotra for the Petitioner, appointed by the Legal
Aid.
Mr.A.A.Palkar, APP for Respondent No.1, State.

**CORAM : RAVINDRA V. GHUGE &
RAJESH S. PATIL, JJ.**

DATE : 24TH JANUARY, 2025.

P.C. :-

1. This matter was heard for some time. We expressed our disinclination.
2. The learned APP submits that the Accused persons can raise the point of whether Section 363 of the Indian Penal Code, 1860 (IPC) would be applicable. While framing of the charge, the Trial Court can consider as to whether any act committed by them would be punishable under Section 363 of the IPC, read with the definition of 'kidnapping from India' under Sections 359 and 360 of the IPC.

3. The learned Advocate for the Petitioner submits that the Petitioner desires to withdraw this Petition. Liberty be granted to address the Court while framing of the charge insofar as Section 363 is concerned. If the Petitioner desires to avail of a remedy for seeking discharge, as the charge-sheet has been filed, he prays that all contentions be kept open.

4. In view of the above, **this Writ Petition is disposed off as withdrawn, on instructions.** While framing of the charge, we grant liberty to the Petitioner to address the Court on the applicability of Section 363 of the IPC.

5. In the event, the Petitioner avails of a remedy for seeking discharge, as the charge-sheet has been filed, the withdrawal of this Petition would not be an impediment and all contentions are kept open.

(RAJESH S. PATIL, J.)

(RAVINDRA V. GHUGE, J.)