

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

WRIT PETITION NO.3874 OF 2024

Sanit @ Samit Kumar Sharma ...Petitioner

Versus

The State of Maharashtra and Anr. ...Respondents

Mr. Vrushabh Savla (through video-conferencing) for the Petitioner.

Ms. Kranti T. Hiwrale, A.P.P for the Respondent No.1-State.

Mr. Rohit R. Kanmurde for the Respondent No.2.

***CORAM : REVATI MOHITE DERE &
SANDESH D. PATIL, JJ.***

DATE : 21st NOVEMBER 2025

P.C. :

1. On 8th October 2025, the following order was passed by this Court in the aforesaid petition : -

“1. Office nothing shows that fresh notice issued to the Respondent No.2 is received back un-served with police report stating therein, that the Respondent No.2 has refused to accept the notice, as she received the notice very late.

2. Issue fresh notice to the Respondent No.2, returnable on 21st November, 2025. Notice to indicate that an endeavour shall be made to dispose of the Petition finally at the stage of admission even if none appears for the said Respondent.

3. In addition to the Court notice, learned Counsel for the Petitioner to serve Respondent No.2 by private notice and file affidavit of service before the next date.

4. The P.I. Khandeshwar Police Station to depute a responsible officer to inform the Respondent No.2 of the next date and submit a report to this Court. The said notice to be served alongwith the copy of today's order.

5. Having heard the learned counsel for the Petitioner, in the meantime, till the next date, investigation to continue however, charge sheet not to be filed without the leave of this Court.”

2. Today, learned A.P.P. informs us, that charge-sheet was filed in the aforesaid case on 8th June 2025 and hence, interim relief could not have been granted in the aforesaid case. When the same was pointed out to the learned counsel for the petitioner, learned counsel for the petitioner, seeks leave to withdraw this petition, with liberty to file a fresh petition seeking to challenge not only the FIR but also the charge-sheet and cognizance, if any, taken.

3. Petition is accordingly disposed of as withdrawn with liberty as prayed.

4. We make it clear that we have not gone into the merits of the petition and as such all contentions of all parties on merits are kept open.

SANDESH D. PATIL, J.

REVATI MOHITE DERE, J.