

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 5501 OF 2024

Soman Kannarath

...Petitioner

V/s.

The State of Maharashtra & Anr.

...Respondents

Mr. Kartik Garg a/w. Ms.Aashka Shell for Petitioner.
Mr. Ajay S. Patil, A.P.P. for Respondent No. 1 – State.
Mr. Pradyumna Pal for Respondent No. 2.

CORAM : A. S. GADKARI AND
RAJESH S. PATIL, JJ.
DATE : 26th JUNE, 2025

P.C.:-

- 1) At the outset, learned Advocate appearing for Respondent No.2 submitted that in the present case, the police have already filed charge-sheet and the trial Court has taken cognizance of it on 3rd May, 2025.
- 2) In view of the ratio laid down by the Hon'ble Supreme Court in the case of *Neeta Singh & Ors. Vs. The State of Uttar Pradesh & Ors., Special Leave to Appeal (Cri.) No(s). 13578/2024, dated 15th October 2024*, Order taking cognizance cannot be impugned under Article 226 of the Constitution of India.
- 3) Mr.Garg, learned Advocate for Petitioner therefore seeks leave

to withdraw the Application with liberty to challenge Order dated 3rd May, 2025 passed by the trial Court, taking cognizance of the crime, by filing an Application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 before the learned Single Judge.

- 3.1) Leave and liberty granted.
- 4) Disposed off as withdrawn with aforesaid liberty.

(RAJESH S. PATIL, J.)

(A.S. GADKARI, J.)