

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

**INTERIM APPLICATION NO.5361 OF 2024
IN
CRIMINAL APPEAL (ST) NO.26744 OF 2024**

Samant Kumar Applicant
versus
The State of Maharashtra & Anr. Respondents
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- Ms. Ankita Bamboli, Advocate for Applicant.
- Ms. Sangita S. Shinde, APP for the State/Respondent.
- Bhavya Shah i/b. A & P Partners, Advocate for Respondent No.2.

**CORAM : SARANG V. KOTWAL, J.
DATE : 04th AUGUST, 2025**

P.C. :

1. Learned counsel for the Applicant at the outset states that though the Applicant has filed an application for leave to file Appeal against the acquittal, this is not the correct remedy. The impugned order is passed by the learned Metropolitan Magistrate, 44th Court, Andheri, dismissing the complaint before taking cognizance. She seeks permission to withdraw this proceedings with liberty to adopt appropriate proceedings in accordance with law.

2. Permission is granted. The proceedings are allowed to be withdrawn. Learned counsel for the Applicant is at liberty to adopt appropriate legal proceedings in accordance with law.
3. If the question of limitation arises, it shall be decided by the Court before which these proceedings are filed, taking into account pendency of these proceedings in this Court. It is made clear that the proceedings filed by the Applicant in future shall be decided on its own merits in accordance with law.
4. The proceedings are allowed to be withdrawn with such liberty and are disposed of.

(SARANG V. KOTWAL, J.)