

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

CRIMINAL WRIT PETITION NO. 1757 OF 2025

Mohammed Asif Kabir Shaikh

..Petitioner

Versus

The State of Maharashtra

..Respondent

Ms. Jyoti Shahu for Petitioner.

Mr. J. P. Yagnik, APP for State/Respondent.

**CORAM : SARANG V. KOTWAL &
S. M. MODAK, JJ.**

DATE : 8 APRIL 2025

PC :

1. The Petitioner had earlier approached this Court vide Criminal Writ Petition No.2730 of 2024 for the same relief. On that occasion, vide the order dated 08.10.2024 following order was passed:

“1) After arguing for sometime when we expressed our disinclination to grant reliefs prayed for in this Petition, learned counsel for the Petitioner sought permission to withdraw this Petition with liberty to approach the trial Court by filing an application for discharge. Permission is granted.

2) Petition is allowed to be withdrawn with liberty to the Petitioner to prefer an Application for discharge before the trial Court.

3) If such an application is preferred, it shall be decided on its own merits and in accordance with law.

4) With the aforesaid observations, Petition is disposed of.”

2. Learned counsel for the Petitioner informed the Court that after that order was passed, the Petitioner has preferred discharge application, but it is not being decided expeditiously.

3. Since we had already expressed our view, recorded in the order dated 08.10.2024, reserving liberty to the petitioner, we are not entertaining this petition. The Petitioner has any way preferred an application for discharge. Therefore, this petition is disposed of with direction to the Trial Court to decide the discharge application filed by the Petitioner as expeditiously as possible; and in any case not later on three months from today.

4. The Petition is disposed of.

(S. M. MODAK, J.)

(SARANG V. KOTWAL, J.)