

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

WRIT PETITION NO.3264 OF 2025

Nikhil Jaykumar Tonk ... Petitioner

Vs.

State of Maharashtra & Anr. ... Respondents...

Mr. Bharat M. Mirchandani with Mr. Talib K. Kalandan i/b Mr. Yogendra L. Giri for the Petitioner.

Ms. S. D. Shinde APP for the Respondent-State.

**CORAM : SARANG V. KOTWAL &
SHYAM C. CHANDAK, JJ.**

DATED : 22nd SEPTEMBER, 2025

P.C. :-

1) The Writ Petition is restored to its original file which was earlier dismissed for non prosecution. It was restored by a separate order passed today in Interim Application No.3527 of 2025 in Criminal Writ Petition No.3264 of 2025.

2) The papers of Criminal Writ Petition No.3264 of 2025 are therefore not before this Court today, but the learned Counsel for the Petitioner showed us a copy of the said Petition. He submitted that he is not pressing this Petition on merits but only seeking a liberty to prefer an application for discharge before the trial Court. He submitted that there is urgency to get that liberty because the trial Court has posted the trial for

framing of charges tomorrow i.e. 23rd September, 2025. He submitted that permission be granted to withdraw this Petition with liberty to prefer an application for discharge.

3) The request is reasonable and considering the urgency cited, the restored Criminal Writ Petition No.3264 of 2025 is allowed to be withdrawn with liberty to the Petitioner to prefer an application for discharge before the trial Court. If such an application is preferred, it shall be decided on its own merits and in accordance with law.

4) The Petition is disposed of.

(SHYAM C. CHANDAK, J.)

(SARANG V. KOTWAL, J.)