

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

CRIMINAL WRIT PETITION NO. 4340 OF 2025

Anup Pillai

...Petitioner

Vs.

Atul Maheshchandra Bisaria and Ors.

...Respondents

Adv. Shubham Yadav i/by Pankaj Purway	Advocate for the Petitioner
Ms. Gauri S. Rao	APP for the Respondent-State
API Chetan Pacherwal	Unit 6,EOW, Mumbai.

CORAM : S. M. MODAK, J.

DATE : 13th AUGUST 2025

P. C. :-

1. Heard learned Advocate for the Petitioner-accused. He is facing prosecution for an offence punishable under Sections 465, 466, 467, 471, 420, 120-B of the Indian Penal Code and under Sections 43, 66(c)(d) of the Information Technology Act.

2. According to him, there are no materials to frame the charge and that is why he applied for discharge. It was rejected by the Court of the

then Metropolitan Magistrate, Esplanade Court, Mumbai vide order dated 29.01.2025, page no. 45. There is a challenge to the said order. In fact as per the provisions of Section 397 of the Criminal Procedure Code such orders are revisable either by Sessions Court or by the High Court. The jurisdiction of both the Court is co-extensive. If this Court will hold that the order of the discharge is proper, there is no alternative available before the Petitioner to go before the Sessions Court. He prayed for withdrawal of this petition and ask for leave to approach the Sessions Court.

3. In view of that this petition is disposed of as withdrawn. Liberty granted to the Petitioner to approach the Court of the Additional Sessions Judge, Greater Mumbai. Delay, if any, caused in filing revision application may be condoned by the Sessions Court on filing of the necessary application.

[S. M. MODAK, J.]