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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.376 OF 2025

Prashant Kishor Mehta

... Applicant

Vs.

The State of Maharashtra & Ors.

... Respondents

Mr. Atul Damle, Senior Advocate a/w Mr. Manish Bhatia, Minal Chandnani, Mr. Shailesh Prajapati i/b Dua Associates, Advocates for the Applicant.

Mr. Karan Kadam a/w Mr. Nikhil Rajani, Mr. Ajay Deshmane i/b V. Deshpande & Co., Advocates for Respondent Nos. 2 & 3.

Mr. S. V. Gavand, Addl. PP for Respondent State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 17th OCTOBER, 2025.

P.C. :

1. By the present Application, the Applicant is questioning the order dated 28th July, 2025 passed by the Judicial Magistrate, First Class 40th Court, Girgaon, Mumbai on Exhibit-1 in Criminal Case No. 82/SW/2022 filed by the Applicant, by which the said proceedings have been dismissed in exercise of powers under Section 203 of Cr. P. C.

2. Mr. S. V. Gavand, learned Additional PP for the State, by relying on section 397 of Cr.P.C. has raised an preliminary objection to the maintainability of the present Revision Application before this Court, at the first instance.

3. In view of the said objection raised by Mr. S. V. Gavand, learned Additional PP for the State, Mr. Atul Damle, learned Senior Counsel for the Applicant, on instructions from the Applicant craves leave to withdraw the present Revision Application with liberty to file a fresh Criminal Revision Application challenging the impugned order before the learned Sessions Court at the first instance. He submits that Applicant would file a fresh Revision Application before the Sessions Court within two weeks from today. Leave as prayed for by Mr. Atul Damle is granted. Applicant is permitted to withdraw the present Revision Application with liberty to file a fresh Revision Application before the learned Sessions Court.

4. Mr. Atul Damle, learned Senior Counsel for the Applicant, submits that the present Revision Application was bonafidely filed before this Court, as such he submits that the time taken in the present Revision Application i.e. from the date of its filing till today may be excluded.

5. If the Applicant files a fresh Revision Application before the Sessions Court having jurisdiction, within a period of two weeks from today, then the time during which the Applicant has been prosecuting this Criminal Revision Application shall be excluded in terms of Section 14 of the Limitation Act 1963.

6. All contentions of the parties are kept open.
7. Criminal Revision Application No. 376 of 2025 is disposed off as withdrawn with liberty as above.

(ASHWIN D. BHOBE, J.)