



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

CRIMINAL APPLICATION (APL) NO. 28 OF 2023
(Digambar s/o Shyamrao Uikey Vs. Sau Uma w/o Digambar Uike)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A.B. Mirza, Advocate for applicant.
Mr. A.K. Tribpathy, Advocate for respondent.

CORAM : RAJNISH R. VYAS, JJ.

DATED : 23-09-2025.

Heard.

2. Learned counsel for applicant seeks permission to withdraw the application. Permission is granted.

3. Learned counsel has requested this Court to keep the question of law involved in this matter open. Considering the peculiar facts of the case, the question raised in view of the judgment passed by the honourable Apex Court in case of *Shahada Khatoon and Others Vs. Amjad Ali and Others*, reported in (1999)5 SCC 672, is kept open. The applicant is permitted to raise the same at the appropriate stage of proceedings.

4. The application is dismissed, as withdrawn, with liberty as prayed above.

(RAJNISH R. VYAS, J)