



2-64-2025

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

CRIMINAL WRIT PETITION NO. 64 OF 2025

(Vikrant s/o Deeliprao Bhagat & Ors. Vs. The State of Maharashtra & Anr.)

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

Court's or Judge's orders.

Mr. R.M. Daga, Counsel for the petitioners.
Mr. I.J. Damle, A.P.P. for respondent no.1/State.

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CORAM : ANIL L. PANSARE AND
SIDDHESHWAR S. THOMBRE, JJ.
SEPTEMBER 25, 2025

On 23/9/2025, following order was
passed :

"1. Mr. Sameer Khan, instructed by Mr. Y.K. Dhande, appeared for respondent No.2 and submitted that he is not in town.
2. Stand over to 24.09.2025."

2] Thus, Mr. Sameer Khan appeared on behalf of Mr. Y.K. Dhande saying that Mr. Y.K. Dhande is not in town and, in a way, sought adjournment. Accordingly, the matter is kept today.

3] The reason why the aforesaid facts are being noted is that the learned A.P.P. submitted that chargesheet is filed and cognizance taken and, therefore, remedy under Article 226 of the Constitution of India will be not available to the petitioners.

4] Mr. R.M. Daga, learned Counsel for the petitioners, however, submitted that since respondent no.2 has been served, and is appearing through Mr. Y.K. Dhande, he may be permitted to amend the petition in

order to seek remedy under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, so that the petitioners' time to serve respondent no.2 will be saved.

5] Since Mr. Y.K. Dhande could not appear, we were of the view that the relief, which could be granted in view of subsequent development, is to permit the petitioners to withdraw the petition and avail remedy as is available in law.

6] Nonetheless, Mr. Sameer Khan appeared on behalf of Mr. Y.K. Dhande, and made the aforesaid submissions.

7] Today, both the Counsels are absent. We call upon Mr. Dhande to clarify whether he is still representing respondent no.2 and whether he instructed Mr. Khan to appear on his behalf on 23/9/2025.

8] List tomorrow, i.e., on 26/9/2025.

(JUDGE)

(JUDGE)

Sumit