ARUNA SANDEEP TALWALKAR
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Date: 2026.01.08 14:13:07 +0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 39 OF 2026

Irfan @ Chipdya Noor Mohd. Shaikh. … Petitioner.

V/s.

The State of Maharashtra & Ors. … Respondents.

Mr. Aniket Vagal, Advocate for Petitioner.
Mr. Sukanta Karmakar, APP for Respondent/State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 8th JANUARY, 2026.

P.C. :

1. By the present Petition, the Petitioner has sought for the following substantive relief :

> *"b) This Hon'ble Court may be quash & set aside the notice dated 20.12.2025 passed by the Respondent No.3."*

2. Mr. Sukanta Karmakar, learned APP for the Respondent-State submits that the impugned order dated 20th December, 2025 Exh. B (page 18) is an exparte order passed by the Respondent No. 3-Deputy Commissioner of Police, Zone (2) in

exercise of power under section 163(2) of the Bharatiya Nyay Suraksha Sanhita, 2023(for short “B.N.S.S.”.). He submits that if the Petitioner is aggrieved by the said order, then the Petitioner will have to approach the Respondent No. 3 and take recourse under Sub-section 5 of Section 163 of the B.N.S.S.

3. In view of the aforesaid objection raised by Mr. Sukanta Karmakar, learned APP for the State, Mr. Aniket Vagal, learned Advocate for the Petitioner on instructions from the Petitioner craves leave to withdraw the present Petition. He submits that he would approach the Respondent No. 3 with an application under section 163(5) of the B.N.S.S. He however, requests that the Respondent No. 3 be directed to dispose of the present application at the earliest, as the Petitioner intends to campaign for his wife in the ensuring election. He submits that the Petitioner shall file the required application before the Respondent No.3 today before 5.30 p.m.

4. Mr. Sukanta Karmakar, learned APP for the Respondent-State does not object to the withdrawal of the present

Petition with the liberty as sought by the Petitioner. He on instructions submits that if the Petitioner files an application under section 163(5) of the B.N.S.S, before the Respondent No. 3, today on or before 5.30 p.m., then the same will be decided expeditiously and at any rate by 12th January, 2026. Statement made by Mr. Sukanta Karmakar, learned APP for Respondent-State on instructions is accepted.

5. All contentions of the parties are left open.

6. In view of the above, Writ Petition No. 39 of 2026 is disposed of as withdrawn with the liberty as above.

(ASHWIN D. BHOBE, J.)