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

WRIT PETITION NO. 1560 OF 2025

Kusum Jaiswar

... Petitioner

Versus.

Shaheen Sertorio Zariwala & Anr.

... Respondents

Mr. Anshuman Asare a/w Mr. A. Pahade, Advocates for Petitioner.

Mrs. Rajeshree Newton, APP for the Respondent – State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 17th JUNE, 2026

P.C. :

1. This Writ Petition is circulated pursuant to the praecipe dated 17.06.2026, same is marked with “X” for identification. At the request of Mr. Anshuman Asare, learned Advocate for the Petitioner, this Petition was ordered to be listed on today’s ‘Production List’.

2. At the outset, Mrs. Rajeshree Newton, learned APP raises an objection to the entertainability of the present Petition on the ground that the order impugned by the Petitioner is one by

which the Magistrate has issued process. She submits that the said order issuing process would be a revisable order against which a Criminal Revision Application would be maintainable under Section 438 of BNSS 2023 before the Sessions Court at the first instance.

3. Faced with the said objection, Mr. Anshuman Asare, learned Advocate for the Petitioner, on instructions from the Petitioner seeks leave to withdraw the present Writ Petition with liberty to file a Criminal Revision Application under Section 438 of BNSS 2023 before the Sessions Court. He requests time of six weeks to file the Revision Application before the Sessions Court, as the Petitioner resides in Uttar Pradesh.

4. Mrs. Rajeshree Newton, learned APP for the State does not oppose the said request.

5. In view of the statement made by Mr. Anshuman Asare, learned Advocate for the Petitioner, leave is granted to withdraw this Petition with liberty to file a Criminal Revision Application

under Section 438 of BNSS, 2023 before the Sessions Court having jurisdiction. If the Criminal Revision Application is filed within six weeks from today and considering that the Petitioner was pursuing this Petition bona fide and in good faith, the Petitioner will be entitled to exclusion of time spent in pursuing this Petition (i.e. from the date of filing till today) under Section 14 of the Limitation Act, 1963.

6. All contentions remain open for consideration by the Sessions Court.
7. Criminal Writ Petition No. 1560 of 2025 is disposed of as withdrawn.

(ASHWIN D. BHOBE, J.)