

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 4562 OF 2024

Aniket Devram Gawade

... Petitioner

V/s.

The State of Maharashtra

... Respondent

Mr. Anil G. Lalla a/w Rushil and Yash Pulekar, for the Petitioner.

Ms. P. N. Dabholkar, APP for the Respondent – State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 16th FEBRUARY, 2026.

P.C. :

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

A) That this Honb'le Court be pleased to exercise its powers u/s 482 of Cr.PC r/w Article 227 of the constitution of India and be pleased to Quash and Set aside the Order passed by the Ld. Judicial Magistrate First Class at Ghodegaon, Pune of Framing Charges on 08.05.2024 in CC No. S.C.C. 68 of 2024 against the Petitioner for alleged commission of offences Punishable u/s 509 and 504 of Indian Penal Code and set the Petitioner at Liberty in this case.

2. Ms. Dabholkar, learned APP submits that the impugned

order dated 8th May, 2024 passed by the Judicial Magistrate First Class at Ghodegaon, Pune, in Criminal Case No. 68 of 2024 ordering to frame charge against the Applicant, is a revisable order against which a Criminal Revision Application under the provisions of BNSS would be maintainable. She therefore prays that this Petition be dismissed and the Petitioner be relegated to avail the remedy by way of Revision Application.

3. Faced with the said objection, Mr. Anil Lalla, learned Advocate for the Petitioner on instructions from the Petitioner craves leave to withdraw the present Petition with liberty to file Criminal Revision Application under Section 438 of the Bharatiya Nagarik Suraksha Sanhita, 2023, before the Sessions Court.

4. Mr. Anil Lalla submits that the Criminal Revision Application is required to be filed at Khed, as such, he requests for time of 4 weeks. He submits that the Petitioner was prosecuting this Petition with due diligence and in good faith. As such, he prays that the time spent in this Petition be exempted. Request not objected to by Ms. Dabholkar, learned APP.

5. In view of the statement made by Mr. Anil Lalla leave granted to withdraw this Petition with liberty to file Revision Application under Section 438 of the B.N.S.S., 2023, along with Application seeking condonation of delay before the Sessions Court having jurisdiction. If the proposed Revision Application along with an application seeking condonation of delay is filed within a period of 4 weeks from today, then the Petitioner would be entitled to exclusion of the time spent in pursuing this petition, in terms of Section 14 of the Indian Limitation Act, 1963.

6. Mr. Anil Lalla states that the matter before the Trial Court is listed tomorrow for framing charge. Ms. Dabholkar, learned APP submits that the Petitioner being granted time to file the Revision Application, the prosecution would request the Trial court to differ the hearing fixed tomorrow by a period of two weeks from 17th February, 2026.

7. Writ Petition No. 4562 of 2024 is disposed of as withdrawn.

(ASHWIN D. BHOBE, J.)