

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 3331 OF 2025

Sudhir Diwan.

...Petitioner.

Versus

The State of Maharashtra & Anr.

...Respondents.

Mr.Sudhir Diwan, Petitioner in person.

Mr. P.P. Malshe, APP for the Respondent-State.

CORAM: N. J. JAMADAR, J.

DATE : 24th MARCH 2026

P.C.:

- 1.** Heard the Petitioner in person.

- 2.** When the Court expressed its disinclination to entertain the challenge to the order passed by the learned Magistrate declining to exercise the power under section 319 of the Code of Criminal Procedure, 1973(for short “Cr.P.C.”) on the premise that the complainant has yet not led the evidence, the Petitioner/complainant in person seeks leave to withdraw the Petition with liberty to revive the prayer for summoning the additional accused under section 319 of the Cr. P.C. as well as

framing of charges against the accused for the offences punishable under section 407, 420 and 506 of the Indian Penal Code, 1860 after the complainant adduces his evidence.

3. A grievance is also made by the Petitioner that the evidence in the Complaint Case bearing C.C. No. SW/39/2019 is not being expeditiously recorded.

4. The Petition stands disposed with liberty to the Petitioner to revive the prayers to summon additional accused under section 319 of the Cr.P.C. and frame additional charges under section 407, 420 and 506 of the Indian Penal Code, 1860, after the Petitioner adduces his evidence.

5. The learned Magistrate seized with C.C. No. SW/39/2019 is requested to commence and conclude the recording of the evidence of the complainant as expeditiously as possible and, preferably, within a period of 8 months from the date of communication of this order.

[N. J. JAMADAR, J.]