

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL WRIT PETITION NO. 3437 OF 2025**

Gurneet Singh.

... Petitioner

V/s.

The State of Maharashtra & Anr.

... Respondents

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Mr. Ankul Seth a/w Shashank Shubham, for the Petitioner.

Mr. Pranjal Kakkar Mr. Aayush Mitruka. a/w Mr. Pranay Tuteja, i/b Trilegal, for the Respondent No.2.

Mr. V. B. Konde-Deshmukh, APP for Respondent - State.

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**CORAM : ASHWIN D. BHOBE, J.**

**DATE : 16<sup>th</sup> APRIL, 2026.**

**P.C. :**

1. This Petition is circulated pursuant to *praecipe* dated 16<sup>th</sup> April 2026, same is taken on record and marked 'X' for identification. At the request of Mr. Ankul Seth, this Petition is taken up on the production list.

2. Mr. Pranjal Kakkar, learned Advocate for the Respondent No.2 raises a preliminary objection to the maintainability of the present Petition. He submits that, the Order impugned in the present Petition is an Order issuing process against which a Criminal Revision Application under Section 438 of the BNSS is maintainable and such revision should be filed before the Sessions

Court at the first instance.

3. In view of the objection raised by Mr. Pranjal Kakkar, learned Advocate for the Respondent No.2, Mr. Ankul Seth on instructions from the Petitioners craves leave to withdraw the present Petition with liberty to file Criminal Revision Application under Section 438 of BNSS, 2023 before the Sessions Court. He states that, the Petitioner was pursuing the present Petition before this Court bonafidely and in good faith. He therefore requests for exclusion of the time spent in this Petition from the date of filing of this Petition till the passing of this Order. He states that, this Petition was presented before this Court on 9<sup>th</sup> May 2025 i.e. within the period of limitation prescribed under Article 131 of the Limitation Act, 1963.

4. Mr. V. B. Konde-Deshmukh, learned APP for the State submits that, as the Petition was filed before this Court within the period of limitation, the Petitioner can seek exclusion of the time.

5. Mr. Pranjal Kakkar, learned Advocate for the Respondent No.2 does not oppose the request made by Mr. Ankul Seth.

6. In view of the statement made by Mr. Ankul Seth, learned Advocate for the Petitioner, leave granted to withdraw the present Petition with the liberty to file Criminal Revision Application under Section 438 of BNSS, 2023 before the Sessions Court having jurisdiction. Mr. Ankul Seth States that the Petitioner would file the Criminal Revision Application before the Sessions Court within a period of three weeks from today. If such proposed Criminal Revision Application is filed before the Sessions Court having jurisdiction within a period of three weeks from today, then the Petitioner would be entitled to seek exclusion of time spent in this Petition in terms of Section 14 of the Limitation Act, 1963.

7. Criminal Writ Petition No.3437 of 2025 is disposed of with the liberty as prayed.

**(ASHWIN D. BHOBE, J.)**