

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

WRIT PETITION NO. 4924 OF 2025

Deepak Gulabani ... Petitioner
Versus
State of Maharashtra and Anr. ... Respondents

Mr. Steve Fernandes i/by Dilip H Shukla for the Petitioner.
Mrs. Rajeshree Newton, APP for the Respondent-State.

**CORAM : ASHWIN D. BHOBE, J.
DATE : 17th April, 2026.**

P.C. :

1. Mr. Steve Fernandes, learned Advocate for the Petitioner states that by the present Petition, the Petitioner has assailed the Order dated 10.06.2024 passed by the Judicial Magistrate First Class, 65th Court, Andheri, Mumbai, in C.C. No. 171/SW/2024 (Order below Exh-1 in 1097/MISC/2016). Mr. Steve Fernandes, learned Advocate for the Petitioner states that the facts in this petition are identical to WP No.4823 of 2025.

2. Mrs. Rajeshree Newton, learned APP for the Respondent – State, raises a preliminary objection to the maintainability of the present petition on the ground that the impugned Order dated 10.06.2024 is a revisable order against which a Criminal Revision

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Application would be maintainable before the Sessions Court under Section 438 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

3. Faced with the said objection, Mr. Steve Fernandes, learned Advocate for the Petitioner, on instructions from the Petitioner, craves leave to withdraw the present Petition with liberty to approach the Sessions Court with a Criminal Revision Application along with an Application seeking condonation of delay. He submits that the Revision Application along with an application seeking condonation of delay, shall be filed within two weeks from today.

4. Mr. Steve Fernandes, learned Advocate for the Petitioner, requests that the Application seeking condonation of delay, to be filed with the proposed Revision Application, be considered on a liberal approach. Mrs. Rajeshree Newton, learned APP, does not object to this request.

5. In view of the request made by Mr. Steve Fernandes learned advocate for the Petitioner, leave granted to withdraw the present Petition with liberty to file a Criminal Revision Application under

Section 438 of BNSS before the Sessions Court having jurisdiction. If such a Criminal Revision Application is filed before the Sessions Court having jurisdiction, along with an Application seeking condonation of delay within two weeks from today, the Application shall be considered on its own merits after hearing the Respondents therein, with a liberal approach.

6. Mr. Steve Fernandes, learned Advocate for the Petitioner, submits that the matter before the Trial Court is scheduled on 18.04.2026. He, on instructions from the Petitioner, states that the Revision Application and the Application for condonation of delay shall be filed within two weeks from today and as such, requests that the Petitioner be exempted from personal appearance on 18.04.2026. He states that Advocate for the Petitioner will be present before the Trial Court on 18.04.2026. Mrs. Rajeshree Newton, learned APP, again does not object to this request.

7. If an Application seeking exemption from the Petitioner's personal appearance on 18.04.2026 is filed before the Trial Court, the Trial Court shall consider the Application only for the said date (18.04.2026).

8. All contentions of the parties are left open for consideration by the Sessions Court.
9. Criminal Writ Petition No. 4924 of 2025 is disposed of as withdrawn.
10. This order will be digitally signed by the Private Secretary / Personal Assistant of this Court. All concerned to act on the digitally signed copy of this order.

(ASHWIN D. BHOBE, J.)