

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

CRIMINAL APPLICATION NO. 724 OF 2025

Gangi Reddy & Anr.

...Applicants

Versus

The State of Maharashtra & Anr.

...Respondents

Mr. Neeraj D. Yadav a/w Mr. Nishit Sinha, learned Advocates for the Applicants.

Ms. Pallavi N. Dabholkar, learned A.P.P. for the State/Respondent.

CORAM : ASHWIN D. BHOBE, J.

DATE : 9th MARCH 2026.

P.C. :

1. At the outset, Ms. Pallavi Dabholkar, learned A.P.P. for the State/Respondent raises an objection to the maintainability of the present Criminal Application on the ground that the order impugned in the present Criminal Application, is an order issuing process, against which a Criminal Revision Application under Section 438 of the Bharatiya Nagarik Suraksha Sanhita, 2023 would lay before the Sessions Court at the first instance.

2. Faced with the said objection, Mr. Neeraj Yadav, learned Advocate for the Applicants on instructions from the Applicants craves leave to withdraw the present Criminal Application with liberty to file Criminal Revision Application under Section 438 of the BNSS before the Sessions Court. He submits that the Applicants were bonafidely pursuing the present Criminal

Application before this Court. He states that this Criminal Application was filed within the period of limitation. He therefore seeks exclusion of the time spent in pursuing this Criminal Application. He states that the Criminal Revision Application will be filed before the Sessions Court within a period of 3 weeks from today.

3. Ms. Pallavi Dabholkar, learned A.P.P. states that the said request of Mr. Neeraj Yadav, learned Advocate, can be considered as this Criminal Application was filed within the period of limitation of the Criminal Revision Application.

4. In view of the statements made by Mr. Neeraj Yadav, learned Advocate, leave granted to the Applicants to withdraw the present Criminal Application with liberty as prayed for.

5. If the Criminal Revision Application is filed before the Sessions Court having jurisdiction within a period of 3 weeks from today, then considering the statement made by Mr. Neeraj Yadav, learned Advocate that this Criminal Application was presented to this Court within the period of limitation prescribed for the Criminal Revision Application, the proposed Criminal Revision Application be considered on its own merits and in accordance with law after giving opportunity of hearing to the Complainant/Respondent No. 2.

6. Criminal Application No. 724 of 2025 is disposed of as withdrawn.

[ASHWIN D. BHOBE, J.]