

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

WRIT PETITION NO. 1286 OF 2026

Jitendra Chimanlal Desai

...Petitioner

Versus

The State of Maharashtra

...Respondent

Mr. P. E. Pol a/w Ms. Gayatri P. Pol i/b Pol Legal Juris, learned Advocates for the Petitioner.

Ms. Pallavi N. Dabholkar, learned A.P.P. for the State/Respondent.
HC-786 Mr. P. V. Patil attached to Khopoli Police Station, Raigad is present in the Court.

CORAM : ASHWIN D. BHOBE, J.

DATE : 24th MARCH 2026.

P.C. :

1. Heard Mr. P. E. Pol, learned Advocate for the Petitioner and Ms. Pallavi Dabholkar, learned A.P.P. for the State/Respondent.
2. At the outset, Ms. Pallavi Dabholkar, learned A.P.P. for the State/Respondent submits that the order impugned in the present Petition is an order issuing process and therefore, would be a revisable order, against which a Criminal Revision Application in terms of Section 438 of the Bharatiya Nagarik Suraksha Sanhita, 2023 would have to be filed before the Sessions Court at the first instance.
3. Faced with the said objection, Mr. P. E. Pol, learned Advocate for the Petitioner, on instructions from the Petitioner, craves leave

to withdraw the present Criminal Writ Petition with liberty to file Criminal Revision Application under Section 438 of the BNSS before the Sessions Court. He submits that the impugned order was made available to the Petitioner on 19.12.2025 and this Petition was filed on 09.02.2026. He submits that this Petition was bonafidely filed before this Court and the Petitioner was pursuing the present Criminal Writ Petition before this Court in good faith. He states that this Petition was filed within the period of limitation, i.e. 90 days provided for Criminal Revision Application under Article 131 of the Limitation Act, 1963, as such, he requests for exclusion of the time spent in pursuing this Criminal Writ Petition before this Court. He states that the proposed Criminal Revision Application will be filed before the Sessions Court within a period of 3 weeks from today.

4. Ms. Pallavi Dabholkar, learned A.P.P. fairly submits that as this Petition was filed within the period of 90 days provided for filing a Criminal Revision Application, she does not object for the request made by Mr. P. E. Pol for exclusion of time spent before this Court.

5. In view of the statements made by Mr. P. E. Pol, learned Advocate for the Petitioner, leave granted to the Petitioner to withdraw this Criminal Writ Petition with liberty as prayed for. In view of the No Objection of Ms. Pallavi Dabholkar, Petitioner is held entitled to the benefit of exclusion of time spent in this Court in terms of Section 14 of Limitation Act, 1963, from the date of filing of this Petition till date.

6. If the proposed Criminal Revision Application is filed before

the Sessions Court having jurisdiction within a period of 3 weeks from today, then the said Criminal Revision Application be considered on its own merits and in accordance with law after giving opportunity of hearing to all the parties including the Complainant.

7. It is clarified that exemption from filing an Application seeking condonation of delay would be available to the Petitioner only if the proposed Criminal Revision Application is filed before the Sessions Court having jurisdiction within 3 weeks from today.

8. Criminal Writ Petition No. 1286 of 2026 is disposed of as withdrawn.

[ASHWIN D. BHOBE, J.]

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KOTAWADEKAR
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