

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 1530 OF 2026

Kamlesh Rupabhai Gami

... Petitioner

V/S.

The State Of Maharashtra And Anr.

... Respondents

Dr. Nilesh Pawaskar a/w Aparna Vhatkar and Saroj Jadhav, for the Petitioner.

Mr. M. M. Vashi, for the Respondent No. 2.

Mr. Ameet Palkar, APP for the Respondent – State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 6th April, 2026.

P.C. :

1. Heard Dr. Nilesh Pawaskar, learned Advocate for the Petitioner and Mr. Vashi, learned Advocate for the Respondent No. 2.

2. Mr. Vashi submits that the orders impugned in the present Petition are revisable orders and that a Criminal Revision Application under Section 438 of the Bharatiya Nagarik Suraksha Sanhita, 2023 would be tenable before the Sessions Court having jurisdiction at the first instance.

3. Faced with the said objection, Dr. Nilesh Pawaskar, learned Advocate for the Petitioner, on instructions from the Petitioner, seeks leave to withdraw the present Petition with liberty to file a Criminal Revision Application before the Sessions Court.

4. Request made by Dr. Nilesh Pawaskar, learned Advocate for the Petitioner, is not objected to by Mr. Vashi, learned Advocate for the Respondent No. 2 or Mr. Ameet Palkar, learned APP for the Respondent – State.

5. Dr. Nilesh Pawaskar, learned Advocate for the Petitioner, submits that the Petitioner was pursuing this Petition in good faith and bonafidely, as such, he requests for exclusion of time spent in this Petition.

6. In view of the statement made by Dr. Nilesh Pawaskar, leave granted to withdraw the present Petition with liberty as prayed.

7. If a Criminal Revision Application is filed before the Sessions Court having jurisdiction, then the Petitioner would be entitled to seek exclusion of time spent in this Petition (i.e. from

the date of filing of present Petition till the passing of this Order)
in terms of Section 14 of the Limitation Act, 1963.

8. Criminal Writ Petition No. 1530 of 2026 is disposed of as
withdrawn with liberty as prayed.

(ASHWIN D. BHOBE, J.)

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