

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 2774 OF 2026**

Vishamber Shewakramani ... Petitioner

Versus.

The Union Territory Of Daman
And Nagar Haveli And Daman
And Diu And Ors. ... Respondents

Senior Counsel Mr. Amit Desai a/w Anirudh Hariani, Gopal
Shenoy, Ativ Patel, Viloma Shah, Harshad Vyas, for the Petitioner.

Mr. Ashwin Thool a/w Archishmati Chandramore, for the
Respondent – UT.

Mrs. Rajeshree Newton, APP for the Respondent – State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 11th June, 2026.

P.C. :

1. This Petition was circulated pursuant to the praecipe dated 11.06.2026, same is marked 'X' for identification. In view of the urgency expressed by Mr. Amit Desai, learned Senior Counsel for the Petitioner, this Petition was taken up on the 'Production List' and listed at Serial No. 502.

2. At the outset, Mr. Amit Desai, learned Senior Counsel for the Petitioner, seeks leave to amend the cause title of the present

Petition. As this Petition is at the pre-admission stage, leave is granted to amend the cause title of the present Petition. Mr. Amit Desai, learned Senior Counsel for the Petitioner, seeks leave to carry out the amendment forthwith. Permission granted.

3. Heard Mr. Amit Desai, learned Senior Counsel for the Petitioner and Mr. Ashwin Thool, learned Special Prosecutor for Respondent No. 1.

4. By the present Petition, the Petitioner has sought the following substantive reliefs in prayer clause (a):

“(a) issue a Writ of Certiorari or a Writ in the nature of Certiorari, or any other appropriate writ, order or direction, and thereby quash and set aside the private complaint bearing O.M.A. (Cri.) No. 100 of 2026 (Exhibit H) pending before the Court of the Learned Chief Judicial Magistrate, Dadra and Nagar Haveli, at Silvassa, as also the Order dated 1 June 2026 (Exhibit I) passed therein referring the said complaint to the Silvassa Police Station for inquiry under Section 175(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023, together with the inquiry / proceedings and all actions consequent thereto, as against the Petitioner and Respondent 3 to 5;”

5. Mr. Ashwin Thool, learned Special Prosecutor for Respondent No. 1, raises a preliminary objection to the maintainability of the present Petition by relying on the decision of this Court in the case of *Kotak Mahindra Bank Ltd. Vs. The State of Maharashtra and Ors.*¹

6. Mr. Amit Desai, learned Senior Counsel for the Petitioner, in all fairness and on instructions from the Petitioner, seeks leave to withdraw the present Petition with liberty to file a Criminal Revision Application under Section 438 of BNSS 2023 before the Sessions Court in view of the decision of this Court in *Kotak Mahindra Bank Ltd (supra)*.

7. Mr. Ashwin Thool, learned Special Prosecutor for Respondent No. 1, does not oppose the request made by Mr. Amit Desai, learned Senior Counsel for the Petitioner.

8. In view of the above, leave is granted to the Petitioner to withdraw this Petition, with liberty to file a Criminal Revision Application under Section 438 of the BNSS 2023 before the

¹ Criminal Writ Petition No. 4913 of 2024, decided on 25.03.2026.

Sessions Court having jurisdiction.

9. Criminal Writ Petition No. 2774 of 2026 is disposed of as withdrawn.

(ASHWIN D. BHOBE, J.)

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