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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE
CRIMINAL WRIT PETITION NO. 326 OF 2006
Abrar Gulzar Azmi S/o
Gulzar Azmi .. Petitioner
Vs.
The State of Maharashtra .. Respondent
Mr. Sudeep Pasbola and Ms. Renu Bhatta for Petitioner.
Ms. A.S. Pai, APP for State.
**CORAM : B. H. MARLAPALLE &
SMT. R.S. DALVI, JJ.**
Date : February 28, 2006.

P.C.:

1. We have heard the learned counsel for the petitioner and it appears that the petitioner has taken a plea that the offences in C.R. No.24 of 2005 do not make out a case in respect of the offences under the M.C.O.C. Act and, therefore, he prays for remanding the case to the appropriate court i.e. the Sessions Court.

2. Admittedly, such an application has not been filed before the learned Special Judge and unless the petitioner invites an order on such an application, it would not be appropriate to entertain a petition directly.

3. Hence the petitioner seeks leave to withdraw the petition with liberty to approach the Special Court.

4. Leave granted and the Petition is disposed as withdrawn with liberty as is available in law.

(Smt.R.S. Dalvi,J.)

(B.H. Marlapalle, J.)