



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
APPELLATE SIDE, BENCH AT AURANGABAD.**

District : Dhule

Criminal Writ Petition No. 244 of 2012

(Ashpak Dilawar Mansuri & 13 others

Vs.

Farjanabi Ashpak Mansuri & 2 others)

Appearances : *Mr. Pawan B. Pawar, Advocate, for the petitioners.*

*Mr. M.D. Narwadkar, Advocate, for respondent
nos.1 and 2.*

*Mr. B.J. Sonwane, Additional Public Prosecutor, for
respondent no.3.*

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CORAM : SHRIHARI P. DAVARE, J.

DATE : 23RD OCTOBER 2012

COURT'S ORDER :

1. Heard learned respective Counsel for the parties.
2. Learned Adv. Mr. M.D. Narwadkar for respondent nos.1 and 2 states that earlier he had made statement on instructions of respondent nos.1 and 2, that he shall withdraw Criminal Miscellaneous Application No. 40/2011 i.e. later complaint, but now on instructions of respondent nos.1 and 2, he states that he is unable to withdraw the said Application, and urged that he be discharged from the earlier statement made on the last date.
3. It is seen from the proceeding that respondent no.1 had filed two complaints i.e. Criminal Miscellaneous Application No. 70/2010 and



Criminal Miscellaneous Application No. 40/2011, before learned Judicial Magistrate (F.C.), Soygaon, and hence, aforesaid statement was made by the learned Advocate for respondent nos.1 and 2 on the last date, on instructions of the said respondents. However, now, learned Advocate for respondent nos.1 and 2, on instructions, resiles from the said statement.

4. Learned Adv. Mr. P.B. Pawar for the petitioners has vehemently opposed the request made by the learned Advocate for respondent nos. 1 and 2 for discharge from the statement made earlier.

5. In fact, learned Advocate for respondent nos.1 and 2 should have taken due care while making the earlier statement. Apart from that, now on instructions of respondent nos.1 and 2, learned Advocate for the said respondents states that he is unable to comply with the earlier statement, and considering the request made by him, on instructions of the said respondents, he stands discharged from the said statement.

6. At the request of learned Adv. Mr. M.D. Narwadkar for respondent nos.1 and 2, stand over to 3rd December 2012, for filing affidavit in reply, if any.

(SHRIHARI P. DAVARE)
JUDGE

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