

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 11677 OF 2016**

Rafiullah M. Khan

.....Petitioner.

Vs.

The Charity Commissioner & Ors.

.....Respondents.

Mr. Sagar Batavia for the Petitioner.

Smt. U.S. Nimbalkar AGP, for the Respondent Nos. 1 and 2-State.

Mr. P.S. Thorat for the Respondent No.3.

CORAM : A. S. GADKARI, J.**DATE : 24th JUNE, 2019.****P.C.:-**

The present Petition is suffering from multifariousness of cause of action. Two different orders of dated 28th March, 2018 and 20th July, 2016 have been impugned in the Petition.

2 *Prima facie*, it appears that, no case under Section 340 of the Code of Criminal Procedure is made out and the Joint Charity Commissioner, Maharashtra State, Mumbai therefore, by its Order dated 20th July, 2016 has rightly rejected the Application preferred by the Petitioner under Section 340 of the Code of Criminal Procedure.

3 Facing with the said difficulty, the learned counsel for the Petitioner, on instructions, seeks leave to withdraw the present

Petition with liberty to impugn the Order dated 28th March, 2016 independently by filing separate Petition in that behalf.

Leave and liberty granted.

4 Writ Petition is accordingly disposed off, as withdrawn with liberty to file a fresh Petition to impugn Order dated 28th March, 2016 passed by the learned Assistant Charity Commissioner in Miscellaneous Application No. 619 of 2014.

5 The learned counsel for the Petitioner, on instructions, further submitted that, he will file a fresh Petition within a period of three weeks from today.

In view thereof, ad-interim relief granted earlier to continue for a period of three weeks from today.

(A.S. GADKARI, J.)