

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.386 OF 2018

Zarina Asif Shikh and another	Petitioners
versus	
Aslam Haji Adul Ahad Amir Bukhari and others	Respondents

Mr.Ashish Chavan with Zishan Quazi, Advocates for petitioners.
Mr.Pratik Surti i/by Mr.Raviraj Gamare, Advocate for respondent no.1.

Mr.A.R.Patil, APP, for State.

Mr.Kunal Waghmare for respondent no.2.

CORAM : PRAKASH D. NAIK, J.

DATE : 13th June 2022

PC :

1. This petition was heard on 6th June 2022. Since the remedy of appeal is available in accordance with Section 15 of Registration of Birth and Death Act, 1969, learned counsel for petitioner sought time to take instructions whether the petition can be withdrawn to resort to the remedy under the aforesaid provision.

2. Learned counsel for petitioner, on instructions, submits that the petition may be allowed to be withdrawn. It is, however, submitted that this petition is pending in this Court since 2018 and in the event petitioner prefers an appeal as stated above, the question of condonation of delay in preferring such appeal could arise.

3. In view of the submission of learned counsel for petitioner, the petition is allowed to be withdrawn with liberty to prefer appeal as

aforesaid. It is pertinent to note that petition is preferred under bona fide belief that same can be entertained by this Court. This petition is pending in this Court since 2018 and it was adjourned from time to time. The fact that petition was bona fide moved before this Court and it was pending in this Court since 2019 shall be considered by the concerned authority in the event appeal is preferred by the petitioner and the question of condonation of delay arises therein.

4. With these observations, the petition is disposed of.

(PRAKASH D. NAIK, J.)

MST