

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO.796 OF 2023 IN
CRIMINAL WRIT PETITION NO.1488 OF 2022**

Dilip s/o Shivaraj Patil & anr. **... APPLICANTS**

VERSUS

The State of Maharashtra & anr. **... RESPONDENTS**

.....
Mr. P.G. Godhamgaonkar, Advocate for applicants
Mr. A.R. Kale, A.P.P. for respondent No.1
.....

**CORAM : SMT. ANUJA PRABHUDESSAI AND
R.M. JOSHI, JJ.**

DATE : 28th FEBRUARY, 2023

P.C. :

By this application, the applicant has sought recall of order dated 10/2/2023, whereby this Court has dismissed the petition mainly in view of the statement made by the petitioner that he was not pressing for the relief as claimed in prayer clause (B).

2. Learned counsel for the applicant has brought to our notice order dated 19/10/2022 which indicates that the learned counsel for the applicant had made a statement that he would

not press for part of prayer clause (B) which relates to the relief in respect of grant of police protection. It is however seen that while carrying out the amendment, the petitioner has deleted the entire prayer clause (B) as not pressed for. It was due to this mistake committed by the applicant that this Court held that once prayer clause (B) is not pressed for, the petitioner would not be entitled for the relief as prayed for in prayer clause (F), which was an ancillary relief. Since the petition was dismissed on an assumption that the petitioner had not pressed for the entire prayer clause (B), which was on the basis of erroneous endorsement made by the petitioner in prayer clause (B), in our considered view, it is just and appropriate that the order dated 10/2/2023 is recalled and the matter is heard on merits. Under the circumstances, the application is allowed. The order dated 10/2/2023 passed in Criminal Writ Petition No.1488/2022 is recalled.

(R. M. JOSHI, J.)

(SMT. ANUJA PRABHUDESSAI, J.)

fmp/-