

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

CRIMINAL APPLICATION NO.2580 OF 2023 IN
CRIMINAL WRIT PETITION NO.448 OF 2023

Isa Yasin Mohammad

... **APPLICANT**

VERSUS

The State of Maharashtra & ors.

... **RESPONDENTS**

.....
Mr. A.N. Kakade, Advocate for applicant
Mr. A.R. Kale, A.P.P. for State

.....

**CORAM : R.G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.**

DATE : 23rd AUGUST, 2023

ORDER :

This Court, vide order dated 21/6/2023, disposed of Writ Petition No.448/2023 since the learned A.P.P. made a statement that no cognizable offence was disclosed and the petitioner would be informed accordingly. The applicant has now come with an application for recall of the said order. He has placed on record copy of communication dated 24/6/2023 made by the Police Station Officer, Begumpura Police Station, informing the petitioner that he made enquiry into his application and he found it fit to refer the application to the office of the Joint Charity

Commissioner.

2. In our view, the said communication impliedly suggests that during enquiry, the police officer concerned did not find an offence to have been committed. The petitioner has equally efficacious remedy. He may approach the Court of Judicial Magistrate, First Class and urge for relief under Section 156(3) of the Code of Criminal Procedure. The Criminal Application stands disposed of. The observations made hereinabove are prima facie in nature. The learned Magistrate shall not be influenced thereby.

(SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)

fmp/-