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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.147 OF 2024

Dilip s/o Nimji Gamit

PETITIONER

VERSUS

Amina Dilip Gamit

RESPONDENT

.....
Mr. Jayant R. Shah, Advocate for the petitioner
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 22nd JANUARY, 2024

ORDER :

1. Petitioner is aggrieved by order passed by learned Judicial Magistrate First Class, Navapur below Exhibit-31 in Criminal M.A. No. 227 of 2021.
2. After hearing learned advocate for petitioner on merits, this Court is of the considered view that application Exhibit-31 is filed at a premature stage and the same could have been filed after respondent is cross-examined and petitioner enters the witness box.
3. Considering these aspects, learned advocate for petitioner, on instructions, seeks permission to withdraw the petition with liberty to file similar application after leading his evidence.

4. Permission granted.
5. Criminal Writ Petition is disposed of as withdrawn, with liberty as prayed for.
6. It is made clear that if application is filed for paternity test of the child, after petitioner leads his evidence, the same shall be considered on its own merits, without being influenced by the order passed below Exhibit-31.

[NITIN B. SURYAWANSHI]
JUDGE