



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

CRIMINAL APPLICATION NO. 4213 OF 2022
WITH CRIMINAL APPLICATION NO. 4208 OF 2022

KIRIT LALUBHAI CHITALIA
VERSUS
THE OFFICER IN CHARGE / POLICE INSPECTOR, CANTONMENT
POLICE STATION, AURANGABAD AND OTHERS

...
Advocate for Applicant : Mr. Amit A. Yadkikar
APP for Respondents No.1 to 4 : Mr. S. B. Narwade
Advocate for Respondent No.6 : Mr. Mahajan Sudhakar
(in Criminal Application No.4208 of 2022)
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CORAM : S. G. MEHARE, J.
DATE : 10-06-2024

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for respondents No.1 to 4 and learned counsel for the respondent No.6 Smt. Manda Mendhe.
2. Petitioner has challenged the orders of the learned Judicial Magistrate First Class, Aurangabad, in Criminal Miscellaneous Application No.1608 of 2022 rejecting the prayers for directions under Section 156(3) of the Code of Criminal Procedure (for short, "Cr.P.C.").
3. The objection has been raised that an alternate remedy is a revision under Section 397 of the Code of Criminal Procedure against the impugned order.

4. Learned counsel for the petitioner argued at length. The Court pointed out the circumstances under which the jurisdiction under Section 482 of the Cr.P.C. can be exercised in the case of ***Dhariwal Tobacco Products Ltd. and Ors. Vs. State of Maharashtra and others, MANU/SC/8465/2008*** relied by himself. Thereon, he sought leave to withdraw the petition with liberty to file a revision under Section 397 of the Code of Criminal Procedure. Since the remedy of revision under Section 397 of the Cr.P.C. is available, leave granted to the petitioner to withdraw the applications with a liberty to avail the remedy under Section 397 of the Cr.P.C.

5. Time spent in prosecuting the present applications should be condoned, if the revision under Section 397 of Cr.P.C. is preferred.

6. In view of above terms, both criminal applications stand disposed of.

(S. G. MEHARE)
JUDGE

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