



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

905 CRIMINAL WRIT PETITION NO. 1154 OF 2022

YUNUS VAJIRBHAI ATTAR

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

....

Mr. Khan Mohsin Khan Masood, Advocate for the Petitioner
Mr. K. K. Naik, APP for the Respondent Nos.1 to 3-State
Mr. K. N. Shermale, Advocate for the Respondent No.4

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CORAM : Y. G. KHOBRAGADE, J.

DATE : 26.02.2025

PER COURT :-

1. Heard both sides at length for a considerable period.
2. By the present Petition, the Petitioner is aggrieved by the order dated 29.11.2016 passed by the learned Judicial Magistrate First Class, Shevgaon Dist. Ahmednagar in Criminal Misc. Application No.105 of 2015, whereby the learned Judicial Magistrate directed Grampanchayat Bodhegaon Tq. Shevgaon, Dist. Ahmednagar to make an entry of death of Mariyanbi Dagadu Attar in birth and death register by showing her date of death as 16.09.1958.
3. In Criminal Writ Petition No.3558 of 2018 in Paragraph Nos. 13 and 14 this Court held as under:

“13. However, in case the Petitioner has locus to challenge the order of issuance of certificate in favour of Respondent No.1 by the learned Judicial Magistrate under Section 13(3) of the said Act, the

Petitioner can approach the Registrar under Section 15 of the said Act. In case, the Petitioner is advised to approach the Registrar under Section 15 of the said Act, and the Petitioner files proceeding before the Registrar, and in case there is delay, and if prayer for condonation of delay is made, the Registrar shall keep in view that the Petitioner was prosecuting the present writ petition with bonafide belief that same is maintainable. The Registrar shall take liberal approach while considering the prayer for condonation of delay.

14. Needless to say that, all the issues/questions/aspects are kept open to be agitated by the parties before the Registrar, in case of challenge to the order under Section 13(3) passed by the Judicial Magistrate thereby issuing certificate in favour of Respondent No.1. This Court has not expressed any opinion on merits, and it is for the Registrar to take appropriate decision in accordance with law.”

Therefore, when this Court shown disinclination to entertain the Petition, on instructions, the learned counsel for the Petitioner craves leave to withdraw the Petition with liberty to approach before the Judicial Magistrate First Class for recalling of the order OR to approach before the Registrar under Section 15 of the Registration of Births and Deaths Act, 1969.

4. In view of above, the Criminal Writ Petition is dismissed as withdrawn with liberty as prayed for.

5. All the issues about maintainability are kept open. So also, the time consumed before this Court shall be the good ground under Section 14 of the Limitation Act.

[Y. G. KHOBRAGADE, J.]