

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
CRIMINAL APPELLATE JURISDICTION.**

CRIMINAL APPLICATION NO. 6943 OF 2014.

SHAIKH SAHFIQ S/O SHAIKH RASHID
VERSUS
HEENA KAUSAR W/O SHAIKH SHAFIQ AND OTHERS

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Appearance =>

Mr. Khan M. A., Advocate for the Applicant.

CORAM : V.M. DESHPANDE, J.

DATE : 17th FEBRUARY, 2015.

Per Court :-

Respondent Nos. 1 and 2 filed proceedings under Section/s 17, 18, 19 and 20 of the Protection Of Women From Domestic Violence Act, 2005 and claim various reliefs including monitory compensation from the present Applicant. The claim on behalf of Respondent Nos. 1 and 2 / Original Complainant is contested by the Applicant by filing Written-Statement. The relation as husband and the wife is not in dispute. The parties entered into the witness-box. Thereafter, the matter was closed for argument.

[2] At that time, application Exhibit – 31 was moved by the wife and, thereby, prayer was made that concern Officer of Credit Analysis and Research Limited, 9th Floor Pride Kumar Senate, Plot No.970, Bhamburda, Senapati Bapat Road, Shivaji Nagar, Pune be called alongwith record of employees and their salaries. The necessity for moving application Exhibit -31 in Cri.M.A.No.2898/2013 was felt

by the wife since when the present applicant was under cross-examination, he denied that, he is working in the aforesaid Company. The learned Judicial Magistrate, First Class, Court No.12, Aurangabad on 6th November, 2014 rejected application Exhibit – 31 on the specious ground that since the matter is fixed for final argument, therefore, it is moved belatedly.

[3] Feeling aggrieved thereby, wife and her daughter – Respondent Nos. 1 and 2 in the present petition, preferred statutory Appeal before the Sessions Court, Aurangabad, bearing Criminal Appeal No.103 Of 2014. The learned Additional Sessions Judge on 17th November, 2014 was pleased to allow the Criminal Appeal filed on behalf of Respondent No.1 and, thereby, set aside the application Exhibit – 31.

[4] I have heard Mr. M.A. Khan, learned counsel for the petitioner – husband in extenso. With his able assistance, I have perused the contents of impugned judgment. Perusal of the judgment clearly shows that the learned Additional Sessions Judge has taken pragmatic view of the matter. Since the husband has specifically denied that he is not serving with the Office of Credit Analysis and Research Limited, Pune in order to deny the claim of the monitory compensation filed on behalf of present Respondent Nos. 1 and 2. it was but necessary to produce the necessary record to show his employment.

[5] For that, concern officer from the Office of Credit Analysis and Research Limited, Pune alongwith record was necessitated. I see

no reason to disturb the well reasoned findings given by the learned Additional Sessions Judge. Hence, Criminal Application is dismissed.

(V.M. DESHPANDE, J.)