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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1936 OF 2015

Ravindra Prabhakar Mule

..Petitioner

Vs.

Smt. Usha Prabhakar Mule & Anr.

..Respondents

Mr. Pramod J. Pawar for Petitioner.

Mrs. Sangeeta D. Shinde, APP for Respondent No.2-State.

CORAM: A.S. GADKARI, J.

DATE : 25th June 2015.

P.C.

Heard learned Counsel for the petitioner.

2 The petitioner has filed this petition under Article 227 of the Constitution of India challenging the order dated 5.1.2015. The petitioner is son the respondent no.1. The respondent no.1 i.e. the mother of the petitioner is 91 years old as of today. It is unfortunate that the respondent no.1 in her dotage has to file Application under Section 125 of the Cr. P.C. for maintenance before the Family Court, Pune bearing Criminal Misc. Application No.191 of 2013. In the said Application, the Trial Court is at the stage of recording evidence.

3 The Application below Exhibit 15 came to be filed at the instance of the respondent no.1 i.e. the mother of the petitioner thereby seeking directions to appoint a Court Commissioner to record her evidence at her place. The said application was opposed by the petitioner. The Trial Court by the impugned order dated 5th January 2015, granted the said Application below Exhibit 15 and appointed Advocate Ms. Prajakta More as a Court Commissioner to record evidence of the respondent no.1. The said order is impugned herein.

4 The respondent no.1 i.e. the mother of the petitioner is of 91 years old as of date and is indisposed due to her dotage. It is to be noted here that the said old lady is unable to attend Court proceedings regularly. In that view of the matter, the Application for recording her evidence through the Court Commissioner was moved by her which was granted by the Trial Court. I have perused the entire record produced before me and I find that the Trial Court has passed the order in the interest of justice without there being any error in it, either in law or in facts. In that view of the matter, the writ petition deserves to be dismissed and is accordingly dismissed in limine.

(A.S. GADKARI,J.)

