

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.2745 of 2015

Mr. Nahat Essa Thaver

...Petitioner

Versus

The State of Maharashtra & Anr.

...Respondents

Mr. Rishi Bhuta for the Petitioner.

Mr. Ajay Patil, APP for Respondent No.1-State.

Mrs. Suchitra Ramani i/b Mr. Suresh Chandrashekhar & Ms Li Shufen
for Respondent No.2.

CORAM:-M.L. TAHALIYANI, J.

DATED :24th JULY, 2015.

P.C.

Admit. Heard finally.

2. Heard learned counsel for the Petitioner and learned counsel for Respondent No.2 and learned APP for Respondent No.1-State.

3. The Petitioner is aggrieved by the order dated 4-6-2015 passed by the learned Magistrate, in which learned Magistrate has directed service of summons on the husband of Respondent No.2 - Mrs. Rahat Ayaz Thaver by affixing the same on some conspicuous place of his local address. The Petitioner feels aggrieved because, in fact, the Petitioner stays at the said address.

4. The brother-in-law of Respondent No.2 i.e. brother of Ayaz Essa Thaver is staying at the local address which is given in the petition. The Petition is filed by Respondent No.2 against her husband and other family members under Protection of Women from Domestic Violence Act. Notice could not be served on the husband of Respondent No.2 and therefore, learned Magistrate had adopted substituted service by directing the authorities to affix the notice / summons on some conspicuous place at the local address of husband of Respondent No.2.

5. It is submitted by learned counsel Mr. Rishi Bhuta that husband of Respondent No.2 is staying in New Zealand and he has not been staying at local address mentioned in the petition. Therefore, order passed by the learned Magistrate was bad in law and he should not have directed affixing of summons on the place where the Petitioner is staying.

6. Learned counsel Mrs. Suchitra Ramani has submitted that place where the summons / notice is directed to be affixed is ordinary place of residence of husband of Respondent No.2 and that the husband of Respondent No.2 has temporarily gone to New Zealand in

search of work. She has, therefore, supported the order passed by the learned Magistrate.

7. In any event, what is important to be noted here is that such type of service is effected only to give notice to the person concerned that he is required by the Court. I do not think that the order passed by the learned Magistrate, in any way causes any prejudice to the Petitioner. The Petitioner has unnecessarily blown the order out of proportion and has rushed to this Court. There is no merit in the petition.

8. The writ petition is dismissed.

(JUDGE)