

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 78 OF 2016

Dashrath S/o Abhiman Patole .. Petitioner

Vs.

Babita Dashrath Patole .. Respondent

Mr. A.L. Kanade, Advocate for the petitioner

CORAM : M.T. JOSHI, J.

DATE : 17/02/2016

ORAL ORDER :

Heard learned counsel for the petitioner.

2. In a proceeding under section 125 of the Code of Criminal Procedure for maintenance filed by the present respondent, the petitioner wants that the respondent be medically examined by the Medical Board at Aurangabad in order to find out as to how much percentage of contraceptive pills ingredients are in the blood, what is the present situation of the vulva and uterus and whether the respondent, at any time, caused the abortion.

3. It is the case of the respondent that after initial co-habitation for six months, the present petitioner has deserted her for a period of 15 years.

. On the other hand, according to the present petitioner, no marriage had taken place neither there was any co-habitation.

4. Upon hearing learned counsel for the petitioner, it is gathered that it is nowhere pleaded by the present petitioner that at any time any pregnancy of the respondent was terminated.

5. In that view of the matter, no purpose will be achieved by any medical examination of the respondent. The impugned order of the learned Judicial Magistrate First Class, Paithan rejecting the application of the petitioner needs no interference.

6. Writ Petition is therefore dismissed.

[M.T. JOSHI]
JUDGE

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