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

CRIMINAL WRIT PETITION NO. 264 OF 2016

Fatemabee @ Kalimunbee W/o Jindasaheb
Mujawar,
Age: 42 years, Occu: Nil,
R/o Almala, Tq. Ausa, Dist. Latur,
At present R/o Ausa, Tq. Ausa,
Dist. Latur

..PETITIONER

VERSUS

Jindasaheb S/o Fakirmohamad Mujawar,
Age: 47 years, Occu: Agri. & Contractor,
R/o Almala, Tq. Ausa, Dist. Latur

..RESPONDENT

Mr S. S. Pawar, Advocate for petitioner;
Mr Mahendra Kochar, Advocate holding for Mr B. R. Warma, Advocate for
respondent

CORAM : N.W. SAMBRE, J.

DATE : 6th April, 2016

ORAL ORDER :

An application Exh.11 came to be filed by the petitioner – original applicant in Criminal Misc. Application No.69 of 2015, pending on the application of Judicial Magistrate First Class, Ausa, seeking recording of her evidence by appointing commission. The reason cited is the ailment of the petitioner.

2. Learned Magistrate rejected the said application by an order dated 10th September, 2015. Thus, the present petition.

(2)

3. Learned Counsel appearing on behalf of the petitioner, while inviting attention of this Court to the record depicting the health of the petitioner, submits that the circumstances mandate that the evidence of the petitioner be recorded on commission.

4. With the assistance, I have perused the documents placed on record. They relate back to dates 29th May, 2002, 26th November, 2009 and 27th June, 2013. There are hardly any documents placed on record which depict present state of health of the petitioner so as to infer that she is not in physical condition to attend court proceedings.

5. In view thereof, the view taken by the learned Magistrate appears to be reasonable.

6. Though an opportunity was given to the petitioner to place on record latest documents in support of her claim, nothing could be brought on record by her.

7. In the light of above, no interference is called for. Criminal Writ Petition fails and stands dismissed.

(N.W. SAMBRE, J.)

amj