

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

CRIMINAL WRIT PETITION NO.435 OF 2016

Kiran s/o Bhagchand Teli ... PETITIONER

VERSUS

Sau. Aruna w/o Kiran Teli & others ... RESPONDENTS

.....
Shri V.P. Latange, Advocate for petitioner
Shri S.R. Dheple, Advocate for respondents
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W I T H

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CORAM: A.I.S. CHEEMA, J.

DATED: 12th July, 2016.

ORAL ORDER :

1. In these two petitions, the petitioner is husband, who is facing proceedings under Section 125 of the Code of Criminal

Procedure and Protection of Women from Domestic Violence Act respectively. It appears from the record that, earlier the petitioner admitted the fact that he was married to the respondent Aruna. in fact there are even children. It appears that, evidence was being recorded and even till the stage of evidence, the fact of marriage was not disputed. The petitioner thereafter came up with a plea that, at the time of earlier filing of reply, he was under some threats and so, did not put the facts correctly on record, but now wanted to claim that there was no marriage with the respondent Aruna, and also wanted to claim that he was earlier married to somebody else and divorce had not taken place.

2. The trial Court has, in both the matters, passed a reasoned order rejecting the application, observing that the earlier admitted fact cannot be allowed to be contradicted by the non-applicant husband, and rejected the applications in both the matters for amendment in reply.

3. Having heard learned counsel for the petitioner in both the petitions, and on going through the record, I do not find that the reasonings recorded by the trial Court in rejecting the applications made by the petitioner in both the matters is illegal

or improper. Admitted facts are being tried to be subsequently retracted. Trial Court rightly rejected the applications. There is no substance in the Writ Petitions. Consequently, both the Writ Petitions are rejected.

(A.I.S. CHEEMA, J.)