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

CRIMINAL WRIT PETITION NO. 807 OF 2014

Jyotsana wd/o Sachin Nimbhorkar (Joshi),
Age: 26 years, Occu: Nil,
Residing at Flat No. 1, Ashirvad Complex,
Near Sant Eknath Rang Mandir,
New Osmanpura, Aurangabad-431005 ..PETITIONER

VERSUS

1. Dattatraya s/o Hanumantrao Joshi,
Age: 67 years, Occu: Pensioner,
Residing at Bramhan Galli, Kannad,
Taluka Kannad, District Aurangabad
2. Latabai w/o Dattatraya Joshi,
Age: 59 years, Occu: Household,
Residing as above
3. Mr. Sandeep s/o Dattatraya Joshi,
Age: 37 years, Occu: Service,
Residing at Flat No. 604, Wing A,
Vaidehi Enclave, Near Maratha Mandir,
Bavdhan, Pune
4. Mrs. Sandhya w/o Sanjiv Joshi,
Age: 39 years, Occu: Housewife,
Residing at BST – 613,
Plot Nos. 9, 10 and 11, House No. 2,
Deepti Villa, Opposite Sambhaji Housing
Society, Near Vishwakarma Park,
Varsha Nagar, Kolhapur - 416012 ..RESPONDENT

Mr Hemant Surve, Advocate for petitioner;
Mr A. K. Bhosale, Advocate for respondents

CORAM : N.W. SAMBRE, J.

DATE : 2nd April, 2016

ORDER :

(2)

Having heard the respective Counsel at length, it is noted that the application moved by the petitioner – complainant for issuing witness summons to the bank official and the Police Inspector is rejected by the learned Judicial Magistrate First Class (Court No.6), Aurangabad on 24th October, 2013, in Cri. Misc. Application No.682 of 2011. Among others, the reason cited is that the petitioner has not approached the bank or the Investigating Officer seeking information as regards the issue that is sought to be canvassed through the application.

2. In my opinion, it is always open for the petitioner to approach the respective authorities seeking details, which according to her are required for the purpose of establishing her case as is sought to be put-forth before the learned Magistrate in Cri. Misc. Application No.682 of 2011.

3. If such material is provided to the petitioner within six weeks, she will be at liberty to produce the same before the learned Magistrate in the trial in question, which the Court below can consider at the time of judgment. If the bank or the authorities refuse to provide such material to the petitioner, she will be at liberty to bring the said fact to the notice of the learned Magistrate with appropriate prayer. If the petitioner comes out with such prayer, it is expected of the learned Magistrate to decide the same without being influenced by the observations made in the impugned order.

With the above observations, Criminal Writ Petition stands disposed of.

(N.W. SAMBRE, J.)

amj