

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2161 OF 2015**

Leenaben Chudgor	...Petitioner
Versus	
Varsha Chudgor & Anr.	...Respondents

Mr. Hasnain Y. Naqvi for the Petitioner

Ms. Vrushali U. Kabare for the Respondent No. 1

Mr. A. R. Patil, A.P.P for the Respondent No.2-State

CORAM : REVATI MOHITE DERE, J.
THURSDAY, 18th AUGUST, 2016

P.C. :

1. At the outset, learned Counsel for the petitioner submits that there are bare allegations made against the petitioner in the complaint. He submits that the respondent No. 1/original complainant has filed this complaint after almost 23 years of her marriage with the brother of the petitioner.

2. Learned Counsel for the respondent No. 2 submits that the trial has already commenced and that the respondent No. 1 is presently in the witness box and is being cross-examined by the petitioner's Advocate. She

submitted that since the trial has commenced and recording of evidence has started, no interference whatsoever is warranted. She submitted that the complaint discloses the role played by the petitioner.

3. Perused the papers. It is not in dispute that the respondent No. 1 is in the witness box and is being cross-examined by the Advocate for the petitioner. Considering the fact that the trial has already commenced, no interference is warranted at this stage. Dismissed.

4. It is made clear that the trial Court shall proceed with the case on its own merits, uninfluenced by the dismissal of this petition. It is made clear that the present order is passed only after considering the fact that the trial has commenced and the respondent No. 1 is in the witness box and has not been heard and considered on merits.

5. Accordingly, the petition stands rejected.

REVATI MOHITE DERE, J.