

FARAD CONTINUATION SHEET No.IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1366 OF 2015

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Aniket Nikam for the Applicant.

Smt. P.P. Bhosale, APP. for the State.

Mr. S.H.Joshi for Respondent Nos. 2 to 6.

CORAM : A.S.GADKARI, J.**DATE : 02nd August, 2016**

P.C.

Heard the learned counsel for the applicant and the learned counsel appearing for respondents also. Perused the record.

2) The applicant is the original complainant in Petition No. DV/203/2014 filed under the provisions of Protection of Women from Domestic Violence Act, 2005, has challenged the Judgment and Order dated 10.9.2015 passed in Criminal Appeal No.69/2015 by the Additional Sessions Judge, Thane thereby partly disallowing the same.

3) The record reveals that the applicant had filed an application below Exh.7 in the aforestated case for amendment of petition/application thereby incorporating additional pleadings and impleading the respondent No.6 herein Mr. Pranay Mishra as party respondent. The learned Trial Court by its order dated 12.6.2015 rejected the said application by holding that, prima facie it reflects that the application for amendment has been filed with an ulterior

motive.

4) Feeling aggrieved by the said order dated 12.6.2015 the applicant preferred the Criminal Appeal No.69 of 2015. The Appellate Court by the impugned Judgment and Order dated 10.9.2015 has partly allowed the appeal and the applicant is allowed to incorporate the proposed amendment in pleadings except impleading Mr. Pranay Mishra as a party respondent to the said proceeding before the Trial Court.

It is to be noted here that the Trial Court in Para 4 of the order dated 12.6.2015 has rightly observed and held that from the contents of the said amendment application it reveals that the facts which the applicant wants to be inserted in the pleadings are of such a nature that no prudent person could have forgotten while drafting the application. The observations made by the Trial Court are of much significance. The Appellate Court while permitting the amendment application has applied the principles enunciated under Order 6 Rule 17 of the Code of Civil Procedure. As the respondents have not challenged the said Judgment and Order passed by the Appellate Court, it will be improper to make any observations in that behalf. According to me, the Judgment and Order passed by the Appellate Court dated 10.9.2015 is just, proper and reasonable and needs no interference by this Court. The application is devoid of any merits and is accordingly dismissed.

(A.S. GADKARI, J.)