

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APL) NO.314 OF 2016

Sachin s/o Chandrashekhar Bhagwat and ors.

-vs-

State of Maharashtra, Thr. PSI Sakkardara Police Station, Nagpur and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri V. G. Jagirdar, Advocate for applicant.
Shri Khan, APP for respondent/State. .

**CORAM : B.P.DHARMADHIKARI &
A.S.CHANDURKAR, JJ.**

DATE : AUGUST 23, 2016

Heard the learned counsel for the applicant as also for respondent No.2. Learned APP has pointed out that charge-sheet is already filed on 01/08/2015.

We find that this Court was approached on 26/04/2016 with prayer to quash the charge-sheet. This Court on 04/05/2016 has stayed further proceedings pending before the trial Court.

The impugned charge-sheet is on the strength of F.I.R. Dated 02/06/2015 which alleges the demand of Rs.20 lacs on dates that are either 26/05/2015, 28/05/2015 or 01/06/2015. The respondent No.2 has specifically stated therein that she does not need any conciliation and is not willing to enter into any compromise. She has also

mentioned that she does not wish to approach the woman cell in police station.

Cognizance of this FIR has been taken and thereafter charge-sheet has been filed. It is pointed out that she had on 17/05/2015 consumed some insecticide and therefore was hospitalized. We have also looked into case papers. Medical papers show that she was indoor patient for one day. Her statement was recorded on 19/05/2015 in which she mentioned about the quarrel of her in-laws incidents of beating and consumption of insecticide.

Effort of the applicants is to demonstrate that stand of respondent No.2 is not consistent and it is wavering.

Respondent No.2 has in addition pointed out that under the guise of seeking custody of minor daughter (aged about four years), applicant No.1 husband has entered the house in occupation of parents of respondent No.2 and beaten them. An independent F.I.R. in this respect is filed on 23/07/2016.

Applicants have pointed out that in the wake of these allegations, filing of F.I.R. and continued prosecution, proceedings for restoration of conjugal rights by respondent No.2 also need to be looked into.

Apparently there is some inconsistent material on record. That by itself does not enable us to accept one set of

facts and to discard the other. The applicants would get opportunity in trial to demonstrate what is true and correct position.

Hence without observing anything on merits of controversy and keeping all contentions open, we dispose of the present application.

At this stage an oral request for exemption is made by the learned counsel for applicant.

We have heard the respective counsel on granting exemption to applicant Nos.2 and 3 from personal appearance during trial. We find that their presence may be expressly called for by the trial Court as and when occasion arises. Till then they can be exempted from appearing personally before the Court. Hence with liberty to the trial Court to call for their personal presence as and when occasion arises, we grant them exemption from personal appearance.

Needless to mention that interim order passed by this Court on 04/05/2016 stands vacated.

JUDGE

JUDGE

-: C E R T I F I C A T E :-

“ I certify that this Judgment/order uploaded is a true and correct copy of the original signed Judgment/order.”

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