

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

CRIMINAL APPLICATION (APL) NO. 639/2016.

Nilesh Bhaskarrao Harde

-VERSUS-

Smt. Mangala Sachin Gawhankar and another.

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

Court's or Judge's Orders

CORAM : B.P. DHARMADHIKARI &
KUM. INDIRA JAIN, JJ.

DATE : NOVEMBER 29, 2016.

Heard Shri R.V. Gillurkar, learned counsel
for the applicant and Shri J.Y. Ghurde, learned A.P.P.
for non-applicant no.2. None appears for non-
applicant no.1 – complainant.

2. Complainant is wife of elder brother of the
applicant. She has filed proceedings under Section
498A read with Section 34 of Indian Penal Code, and
because name of applicant figures in it, his salary has
been withheld.

3. Shri Gillurkar, learned counsel attempts to
demonstrate that there are no other allegations
against the applicant and this is case of false

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implication.

4. Learned A.P.P. submits that a bare reading of the FIR reveals that role of applicant is specifically mentioned therein.

5. As the FIR is dated 22.11.2005, and charge sheet is also presented in the year 2006, we are not inclined to intervene in extra ordinary jurisdiction. Non-applicant no.1 though served, has chosen not to appear before this Court. According to the learned counsel for the applicant, she is also not participating in proceedings before the trial court, and therefore, the proceedings are getting delayed.

6. We grant liberty to petitioner to move appropriate application before the trial Court in this respect. If such an application is moved within a period of two weeks, the trial Court to attempt to decide the same as per law within a period of 4 weeks thereafter.

7. With these directions and keeping all rival contentions open, we dispose of the present Application. No costs.

JUDGE

JUDGE

Rgd.