

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.23 OF 2017

Jyoti Kisan Kothawale

..Applicant

Versus

The State of Maharashtra and another

..Respondents

Mr. Vinod Sangvikar for the Applicant.

Mr. F. R. Shaikh, APP for the Respondent - State.

CORAM : R. M. SAVANT &

SANDEEP K. SHINDE, JJ.

DATE : 21st SEPTEMBER, 2017

PC.

The Learned APP Mr. F. R. Shaikh states that the charge-sheet is ready for filing and it is not filed only because there is an interim order operating in the above Criminal Application. A perusal of the FIR discloses that overt acts are attributed to the Applicant. It is also the allegation of the first informant i.e. the Respondent No.2 that she has seen the text messages between the Applicant and the accused No.1. She seems to suggest an extra marital affair between the Applicant and the accused No.1 who is her husband. Prima-facie, we do not find this a fit case to exercise jurisdiction under Section 482 of the Criminal Procedure Code. We do not wish to delve into the factual aspects lest it affects the Applicant in prosecuting any application or in the trial. We accordingly

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dismiss the above application. However, statutory remedies of the Applicant are kept open for being invoked at the appropriate time.

[SANDEEP K. SHINDE, J]

[R.M.SAVANT, J]