

Sarnobat

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

CRIMINAL APPEAL NO. 754 OF 2016

Naveen Kumar Sharma.	.. Appellant.
Vs.	
Dipti Naveen Sharma & Anr.	.. Respondents

Mr. Naveen Kumar Sharma, Appellant in person.
Mr. Sachin Chandan I/b Nitin V. Jadhav, Adv. for the Respondent No.1.
Mrs. N. S. Jain, APP for the State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 11th OCTOBER, 2017.

P. C. :

1. The appellant herein has challenged the order dated 10th October, 2016 whereby the learned Addl. Sessions Judge Pune has dismissed the application under section 340 of Cr. P.C. Heard the appellant who is present in person.

2. The records reveal that there was a matrimonial dispute between the appellant and respondent which had resulted in filing the petition under Hindu Marriage Act before the Ld. Sessions Judge , Pune.

3. It appears that learned Sessions Judge had fixed the

matter for exploring the possibility of amicable settlement. It appears that the respondent did not remain present, but filed an affidavit through her advocate. The said affidavit was verified on the same date at Pune. The learned counsel for the respondent had made a statement before the Judge that the respondent was unable to appear before the Court as she was at Ichalkaranji and there was no one else to take care of the child. The appellant contends that, if the respondent was at Ichalkaranji, she could not have verified and affirmed the affidavit at Pune. Based on said contention, the appellant herein filed an application under section 340 of Cr. P.C.

4. Learned Addl. Sessions Judge has observed that, the statement that the respondent was at Ichalkaranji was made by the advocate on record and not by the respondent. The Learned Judge has further observed that the affidavit of the respondent cannot be said to be false solely on the basis of the statement made by the advocate on record. The Addl. Sessions Judge after having gone through the record found that there was no merit in that application under section 340 of Cr. P.C.

5. Having gone through the record. I do not find any illegality

or perversity in the order of Additional Sessions Court. The petition has no merit and is accordingly dismissed.

[ANUJA PRABHUDESSAI, J]