

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

CRIMINAL APPLICATION (APPA) NO.709/2015 IN
CRIMINAL APPEAL NO. ____/2017

Sau. Shalini Subhash Narayane @ Shalini P. Danapurkar ..vs.. Subhash
Kisansingh Narayane and ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. R. R. Vyas, Advocate for applicant.

CORAM : V.M. DESHPANDE, J.
DATED : JULY 12, 2017

Heard Mr. Vyas, learned counsel for the applicant. Learned counsel for the non applicants is absent when the matter was called for hearing.

The challenge in this application is to the order of discharge passed by learned Chief Judicial Magistrate, Akola on 08.07.2015 in Regular Criminal Case No. 1147/2003, by which the learned Judge of the Court below discharged the non applicant nos.1 to 7 of the offence punishable under Section 494 read with Section 109 IPC.

At the time of evidence before charge, the applicant/complainant adduced her evidence and also the evidence of Pradip Shankarrao Dafe. According to the complainant, she was married with non applicant no.1 on 15.01.1999 at the temple of Tuljapur. According to her evidence, since there was no proof of marriage hence again on 30.06.1999 Subhash and the complainant

performed marriage at Rajeshwar Temple, Akola. To that extent, a certificate of marriage is also placed on record. It is the further case of the complainant that on 22.07.1999, the non applicant-Subhash again married with one Nalini-non applicant no.2 and from their wedlock, they are having two children.

After hearing the learned counsel for the applicant, it is clear that the evidence was found to be too short by the learned Judge to frame the charge since according to the learned Judge of the Court below, the complainant could not prove the valid marriage in view of the provisions of Section 5 of the Hindu Marriage Act. Further, there is no evidence about the marriage in between non applicant nos. 1 and 2.

In view of the aforesaid observations and in the light of the evidence on record, I do not see any reason to interfere with the impugned order. The application is therefore rejected. Consequently, the appeal is also dismissed.

JUDGE