

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

Criminal Application [APL] No.871 of 2017

Narsing Rupchand Khurde

vs.

Sunita Narsing Khurde

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

Court's or Judge's Orders

Shri S.U. Bhuyar, Advocate for the Applicant.

CORAM : S.B. SHUKRE, J.
DATE : 14th MARCH, 2018.

Heard the learned Counsel for the applicant.

Perused the impugned judgment and order.

Objection against the impugned order is that the trial Court has not properly appreciated the evidence brought on record showing that the non-applicant was not the wife of the applicant.

On going through the impugned order and the material available on record, I find that there is no substance in this objection. The trial Court has considered the evidence brought on record and based upon that, has recorded a finding that even though the marriage between the applicant and the non-applicant has not been proved, their *inter se* relationship was akin to the husband and wife and that was so openly. It was also found that this relationship was after dissolution of the first marriage of the applicant and in any

case, the relationship came into being at a time when the first wife of the applicant was dead. This being the position emerging from the evidence on record, I do not think that this is a fit case to interfere with the impugned order and even for issuance of notice to the non-applicant.

The criminal application is thus summarily dismissed.

JUDGE

*sdw