

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

**CRIMINAL APPLICATION NO.355 OF 2017
IN
CRIMINAL APPLICATION NO.165 OF 2017**

Vijay Laxman Chaugule ... **Applicant**

IN THE MATTER IN BETWEEN :

Kum.Smruti Tukaram Badade ... **Applicant**

V/s.

The State of Maharashtra ... Respondent

WITH

CRIMINAL APPLICATION NO.165 OF 2017

Kum.Smruti Tukaram Badade ... **Applicant**

V/s.

The State of Maharashtra ... Respondent

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Mr.R.V.Bansode i/b. Mr.Rahul S. Kulkarni, Advocate for the Applicant in APPLN/165/2017.

Mr.M.K.Kocharekar i/b. Mr.Harshad Bhadbhade, Advocate for the Applicant in APPP/355/2017.

Mr.S.V.Gavand, APP for the Respondent/State.

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CORAM : A.M.BADAR J.

DATED : 14th FEBRUARY 2019.

P.C. :

1 Criminal Application bearing No.355 of 2017 filed by

the original accused as intervenor in application under Section 407 of the Code of Criminal Procedure bearing No.165 of 2017 filed by the First Informant/alleged victim of the crime in question.

2 In fact, the applicant ought to have joined the accused as a party respondent to the instant application as she has made allegations against the accused in the instant application. Even otherwise, the intervener/original accused would be affected by the final order passed in the application.

3 Therefore, the application for intervention is allowed.

4 The applicant is directed to make the intervener/original accused as party respondent in Criminal Application No.165 of 2017. Amendment to that effect be made forthwith.

5 Criminal Application bearing No.355 of 2017 is accordingly disposed of.

6 List Criminal Application bearing No.165 of 2017 on **18th February 2019.**

(A.M.BADAR J.)