

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 510 OF 2018

Shri Ramesh Shriram Shaha and Ors. ... Applicants

Versus

State of Maharashtra and Ors. ... Respondents

Adv Chetan Damre for the applicants.

Mr. Sandeep Shinde I/by Ergo Juris for respondent no. 2.

**CORAM : B.P. DHARMADHIKARI &
REVATI MOHITE DERE, JJ.**

DATE : JANUARY 03, 2019

P.C.:

The short grievance of the Applicants is that the documents filed by the applicant husband to support income of his wife in D.V. proceedings are alleged to be fabricated by respondent wife. Instead of following the procedure prescribed under section 340 Cr.P.C. read with 195 sub section (1), respondent wife has directly approached the police authorities.

2. After some arguments, counsel for the respondents submits that the contention of respondent wife can be kept open and she should be given opportunity to move appropriate application. Grant of liberty is being opposed by the applicant.

3. If the documents are not genuine, it is for the trial court to appreciate the rival contentions. Hence, with a liberty to the respondent wife to take appropriate steps in the matter in accordance with law, we make the rule absolute in terms of prayer clause (a). Petition is accordingly allowed and disposed of. No order as to costs.

(REVATI MOHITE DERE, J.) (B.P. DHARMADHIKARI, J.)