

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLON U/S 482 NO. 1122 OF 2018

Shabina Jaweed Ahmed Kadri ... Applicant

Versus

The State of Maharashtra and anr. ... Respondents

Mr. Niranjan Mundhergi i/by Prasanna Bangale for the applicant.

Mr. Vikas Singh for respondent no. 2 (appointed).

Smt. S.D. Shinde, APP for the State.

CORAM : B.P. DHARMADHIKARI &
SMT. SADHANA S. JADHAV, JJ.
DATE : NOVEMBER 14, 2019

P.C.:

Heard learned counsel for the applicant and learned counsel (appointed) for respondent no. 2 and also learned APP for the State.

2. Counsel for the applicant states that the investigation has been concluded and the chargesheet has been filed. No material to support bare statement in the FIR can be found and as such there is no point in asking the applicant who is residing at Qatar to face the trial.

3. Learned APP as also the learned counsel (appointed) are opposing any intervention by this court. They submit that the

respondent no. 2 can enter into the witness box and depose and bring on record the facts showing the role played by the applicant.

4. Learned counsel for respondent no. 2, upon instructions, states that the respondent no. 2 is presently staying at Nashik. Counsel for the applicant submits that because of the present proceedings, the applicant who is otherwise residing with her husband at Qatar, is constrained to stay in Nashik. We find that in the statement in support of FIR, the only allegation is applicant used to make phone calls and induce the mother in law to harass respondent no.2.

5. The other statement of respondent no. 2 dated 08/09/2017 is also on the same lines.

6. Those details of phone calls or harassment to which she was subjected thereafter are not brought on record. Not only this, though investigation is complete and chargesheet has been filed on 12/3/2018, with the chargesheet also there is no material to support this statement.

7. We have perused the judgment of the Hon'ble Apex court reported at 2012 ALL MR (Cri) 4059 SC (Geeta Mehrotra and anr. Vs. State of U.P. and anr.) particularly paragraphs 4 and 19 thereof.

8. In this situation, we find that respondent no. 1 has failed to collect any material against the present applicant.

9. We therefore, make rule absolute in terms of prayer clause (a).

(SMT. SADHANA S. JADHAV, J.)

(B.P. DHARMADHIKARI, J.)