

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

Criminal Writ Petition No. 323 of 2020

Raju Purshottam Satpute and Others
Vs.
Sau. Sushma Raju Satpute and Another

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

Court's or Judge's orders

Mr. A.A. Dhawas, Advocate for the petitioners
Mr. S.O. Ahmed, Advocate for the respondents

CORAM : MANISH PITALE, J.

DATED : AUGUST 18, 2021

By this Writ Petition, the petitioners challenged judgment and order dated 12/02/2020, passed by the Court of Sessions Judge, Chandrapur, whereby an appeal filed by the respondents was partly allowed. In the order dated 26/07/2021, this Court recorded the statement made on instructions by the learned counsel appearing for the petitioners that insofar as the petitioner No.1 (husband of respondent No.1) was concerned, the Petition was being withdrawn. Accordingly, the Petition stood withdrawn insofar as petitioner No.1 was concerned, but, it was specifically stated that he had instructions to press the Petition insofar as respondents No.2 to 6 were concerned. Thereafter, the learned counsel for the petitioners sought time to place on record the

depositions of the witnesses in order to support his contention that the Sessions Court had erred in holding that the petitioners No.2 to 4 had indulged in domestic violence against the respondent No.1 and that they had been erroneously directed to stop indulging in such domestic violence.

2. Thereafter, the depositions of witnesses were placed on record along with pursis. Today, the Petition was taken up for final disposal.

3. The learned counsel appearing for the petitioners No.2 to 4 invited attention of this Court to the examination-in-chief and cross-examination of respondent No.1, recorded before the Magistrate. It was submitted that the allegations made by the respondent No.1 were vague and general in nature, thereby indicating that the Sessions Court had erred in reversing the order of the Magistrate and holding that the petitioners No.2 to 4 had inflicted domestic violence on the respondent No.1.

4. On the other hand, the learned counsel appearing for the respondents submitted that the oral and documentary evidence on record was correctly appreciated by the Sessions Court, while passing the impugned order.

5. This Court has perused the evidence of respondent No.1. The learned counsel appearing for the respondents No.2 to 4 took this Court into minute details of the examination-in-chief and statements made in the cross-examination by the respondent No.1. A perusal of the same would show that not only did the respondent No.1 give specific statements about the mental and physical harassment, leading to domestic violence inflicted by the husband, but also, by the petitioners No.2 to 4. A perusal of paragraph 2 of the affidavit-in-evidence of the petitioner would show that specific incidents of mental and physical harassment were narrated. It was specifically stated that the petitioners No.2 to 4, not only themselves indulged in such activities of mental and physical harassment but they also provoked the husband of respondent No.1 to harass her. In the cross-examination, nothing material has been brought out to disbelieve the statements made against petitioners No.2 to 4. The Sessions Court has been careful in appreciating the evidence on record because the non-applicants No. 5 and 6 before the Magistrate have been absolved of any role insofar as domestic violence is concerned, while petitioners No.1 to 4 i.e. husband, mother-in-law, aunt of husband and cousin sister living in the same matrimonial house, have been found to have indulged in domestic violence, as defined under the provisions of the Protection of Women from Domestic Violence Act, 2005. Hence,

this Court is of the opinion that no case is made for interfering in writ jurisdiction. Accordingly, the Writ Petition is dismissed.

JUDGE

MP Deshpande