

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 920 OF 2020

Kavita Datta Akangire and others	... Petitioners
Versus	
The State of Maharashtra and another	... Respondents

....

Mr. Jayant R. Patil, Advocate for petitioners
Mr. S. P. Sonpawale, APP for respondent No.1
Mr. K. T. Shirurkar, Advocate for respondent No.2

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CORAM : R. G. AVACHAT, J.

DATED : 14th MARCH, 2022

ORDER :-

1. The challenge in this writ petition is to the order dated 07.08.2019, passed by the Judicial Magistrate First Class, Ahmedpur, on application Exh.22 in R.C.C. No.50 of 2017 and confirming the same vide judgment and order dated 21.01.2020 passed by the Additional Sessions Judge, Ahmedpur in Criminal Revision Petition No.07 of 2019. Vide orders impugned herein, the claim for discharge came to be turned down.

2. Heard the learned Counsel for the petitioner, the learned APP for the State and the learned Counsel for the informant, as well.

Perused the orders impugned herein. The petitioners herein are the accused in R.C.C. No.50 of 2017 instituted for the offence punishable under Sections 498-A, 323, 406 and 34 of the Indian Penal Code. The petitioners No. 1 to 3 are the married sisters-in-law of the informant, while the petitioner No.4 is maternal uncle of the informant's husband. It is true that there is tendency to rope in married sisters and even relations of the husband.

3. Perused the First Information Report (FIR).

The allegations against the petitioners herein appear to be vague. The very next day of lodging of the FIR, the informant gave supplementary statement alleging the petitioners to have been to the house of her parents and made demand of Rs.5,00,000/- (Rupees Five Lakh). They are also alleged to have assaulted the informant. As such, both the Courts below have rightly observed that there is *prima-facie* material to proceed against the petitioners herein. This Court has no reason to take different view. The learned Counsel for the petitioners ultimately urged for grant of permanent exemption from the appearance of the petitioners in the proceedings before the trial Court. The case dates back to May 2017. The petitioner Nos.1 to 3 are the married sisters-in-law of the informant.

Petitioner No.4 is the maternal uncle of the husband of the informant. All of them have been residing at their respective houses beyond the jurisdiction of the Court seized of the criminal case. In these peculiar facts and circumstances of the case, the request of learned Counsel for the petitioners needs to be considered favorably.

4. With this, the writ petition is dismissed.

5. The trial Court shall grant the petitioners permanent exemption from appearance post framing of the charge until the stage of recording of statements, if any, under Section 313 of the Code of Criminal Procedure.

6. The petitioners' presence may be required on the day of pronouncement of judgment, if required.

[R. G. AVACHAT, J.]

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