

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

CRIMINAL WRIT PETITION NO. 1307 OF 2022

Sangita Ashok Chavan

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. Moinpasha Shaikh Farid, Advocate h/f Mr. Angad L. Kanade,
Advocate for the Petitioner.

Smt. D. S. Jape, APP for Respondent No. 1.

CORAM : KISHORE C. SANT, J.

DATED : 29th NOVEMBER, 2022.

P. C. :-

1. Heard learned advocate for the petitioner.
2. This writ petition is filed challenging the order dated 06.08.2022 passed by the learned J.M.F.C., Georai in R.C.C. No. 261/2012 thereby splitting the trial. By the said order he has directed to split the trial and to proceed against accused Nos. 1 to 7.
3. It is submitted that, the complainant/this petitioner happens to be wife of one Ashok Chavan. The respondent No. 2/original accused No. 1 is husband. The respondent Nos. 3 to 8 that are original accused Nos. 2 to 7 are in laws whereas, accused No. 8 namely Anita is second wife of accused No. 1/present respondent No. 2 that is husband of the complainant. The accused No. 9 was the father of second wife who is no more and accused No. 10 is mother of second wife. Learned

advocate submits that, original accused Nos. 1 to 7 filed an application under Section 317 sub section 2 of the Code of Criminal Procedure for splitting the trial as the presence of accused Nos. 8 and 10 is not secured.

4. The learned Trial Court in view of the fact that, the complaint is pending for more than ten years and since the complainant could not secure the presence of accused Nos. 8 and 10 has passed the impugned order.

5. On the query as to what steps are taken by the petitioner to secure the presence of the remaining accused persons, it could not be answered properly. The only submission is that, this order is passed without giving any opportunity of hearing to the petitioner. The fact that, the accused No. 8 is the second wife of accused No. 1 is suppressed from the Court.

6. It is stated that accused No. 8 is the second wife of accused No. 1 and thus there is no question of suppression of any fact. This Court finds that, there is no substance in the writ petition and the same deserves to be dismissed.

7. The writ petition is dismissed and disposed of accordingly.

(KISHORE C. SANT, J.)

PS.B.