

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.2082 OF 2022

Vinod Shravankumar Pardeshi .. Petitioner
Versus
Komal Vinod Pardeshi .. Respondent
...

Mrs.Rekha Musale ib Suraj for the petitioner.

CORAM: BHARATI DANGRE, J.
DATED : 23rd JUNE, 2022

P.C:-

1 The present petition is filed by the petitioner husband, being aggrieved by judgment dated 16/4/2022 passed by the Sessions Judge, Pune in Criminal Appeal No. 36/22. The Appeal came to be filed against an order rejecting the application filed by the appellant recalling the wife for cross-examination in proceedings instituted by her under the Domestic Violence Act.

2 Heard learned counsel for the petitioner and also perused the impugned order.

 The D.V proceedings came to be instituted by the wife in the Court of JMFC, Pune and the sequence of events which is recorded in the certified copies of roznama placed on record would reveal that the wife filed her affidavit of

examination-in-chief on 27/8/2013. Thereafter, the matter was adjourned from time to time on various dates, being 4/9/2013, 3/10/2013, 28/10/2013, 27/11/2013 and 6/12/2013. On 6/12/2013, the Advocate for the respondent cross-examined the applicant wife. Thereafter, on 16/11/2021, an application was moved for recalling the witness for cross-examination on the ground that certain new facts have been unearthed.

3 The Application came to be rejected by the First Court as well as the learned District Judge by recording that the application filed by the applicant (Exhibit-86) is vague, and it is not clear on what grounds her cross-examination is sought once again. The learned Judge has concluded that the only intention is to prolong the proceedings is to harass the wife. The D.V. proceedings may be required to be expeditiously disposed off. The dilatory tactics adopted by the learned counsel for the husband was deprecated in strong words. The learned Court even recorded that the husband has engaged 3 to 4 Advocates to represent him, but still is not satisfied with their performance.

The order impugned has rightly refused to interfere in the order of the Magistrate, turning down the request for recalling of the witnesses for cross-examination.

Upholding the impugned order, the petition is dismissed.

The learned Magistrate shall terminate the D.V. proceedings filed by the wife within a period of three months from today, since it is informed by the learned counsel that the evidence affidavit of the husband is already on record.

(SMT. BHARATI DANGRE, J.)