

THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPEAL NO. 247/2022

Mujahid Iqbal Mohammad Ismail...Versus...Ambreen Mjahid Iqbal and ors

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

Court's or Judge's orders

Mr. S.S.Sitani, Advocate for the appellant.
Mr. Masood Shareef, Advocate for respondent Nos. 1 to 3

CORAM : AVINASH G. GHAROTE, J.

DATE : 08/06/2022

Heard Mr. Sitani, learned counsel for the
appellant and Mr. Shareef, learned counsel for the respondent.

The only grievance raised by Mr. Sitani, learned
counsel for the appellant is that in spite of holding in para 16
of the impugned order that the application under Section 340
of the Cr.PC shall require evidence and therefore, has to be
decided while deciding the proceedings on merits, the
resultant order is rejecting the application, which ought not to
have been done.

Mr. Shareef, learned counsel for the respondent
though opposes the appeal, he does not dispute the
observations made in para 16 of the impugned order,
considering which the impugned order in so far as it rejects
the application at Exh. 19 is hereby quashed and set aside and

it is directed that Exh. 19 shall be decided along with Section 125 proceedings on merits after the evidence is recorded.

The appeal is partly allowed in above terms.

JUDGE

Rvjalit