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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.2954 OF 2022

Jeewan Singh Mehra & Ors. .. Petitioners

v/s.

Jyoti Kumari Samir Kumar & Anr. .. Respondents

....

Mr. Naveen Sharma, for the Petitioners.

Mr. Arfan Sait, APP, for State.

....

CORAM: R.G. AVACHAT, J.

DATE : 2 JANUARY 2023.

P.C:-

Heard.

2. The challenge in this petition is to the order dated 7 June 2022 passed by the Court of Judicial Magistrate, First Class, Khadki, Pune on application (Exhibit-22) in Criminal Miscellaneous Application No.27 of 2020. The Petitioner herein is the husband/Respondent before the trial court. He moved the application under Section 91 of Code of Criminal Procedure read with Order 11 Rule 14 of Code of Civil Procedure. Direction to the Respondent-wife was sought for production of documents relating to her employment in Singapore. It was only with a view to show that the Respondent-wife

has permanently been staying in Singapore on account of a job. According to learned Advocate, just a flying visit to Pune would not confer jurisdiction to Court at Pune to entertain the proceedings. He relies on the judgment of Madras High Court in case of *K. Mohan vs. Balakanta Lakshmi*¹.

3. Considering the submissions advanced by the learned Advocate, the judgment in case of *K. Mohan* (supra) pertains to the proceedings under Section 125 of Code of Criminal Procedure. In the case in hand, the Respondent-wife was admittedly serving in Singapore. The averments in the application (Exhibit-1), which has been moved under Protection of Women from Domestic Violence Act for various reliefs under Section 12 thereof indicate that, after having lost job in Singapore, she had no option but to come to her parents' home at Pune. In the address caption, she had given address of residence in Pune. For entertaining such an application, a temporary residence within the limits of jurisdiction of the court competent to entertain such proceedings is suffice. The trial court has rightly referred to Section 27(a). The Petitioner-husband can very well make out his case, once the parties go for leading evidence in the matter. He may cross-examine the Respondent on that aspect and even ask for a summons to the concerned authorities for production of documents necessary to make out his case.

1 1983 Cr.L.J. 1316.

4. After having gone through the order impugned herein, no interference is called for. The petition is dismissed.

5. The court concerned to decide the matter on its own merits uninfluenced by the observations made herein above.

(R.G. AVACHAT, J.)