



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

950 CRIMINAL WRIT PETITION NO. 1247 OF 2023

PARAJI SAMPATRAO GAIKWAD

VERSUS

DILIP UTTAMRAO TAMBE AND OTHERS

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Advocate for the Petitioner : Mr. Choure Balasaheb Saheb
Advocate for Respondent nos.1 to 12 : Mr. Kedar Balbhim R.

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 14th FEBRUARY, 2024.

PER COURT :-

1. This Writ Petition is directed against the order passed by the learned Judicial Magistrate, First Class, Court no.2, Paithan passed under Exhibit-211 in Regular Criminal Case No.134 of 2007 on 14.07.2023.

2. The petitioner was complainant, who filed R.C.C. No.134 of 2007 alleging that respondent nos.1 and 2 performed second marriage illegally. He adduced the evidence, however, no witnesses later on was examined. Thereafter, after 8 months by giving an ample opportunity to examine the other witnesses, the learned trial Court closed that evidence by order dated 26.07.2022 at Exhibit-183, when evidence close pursis was filed. Thereafter, the statement of the accused were recorded and arguments were heard finally. When the

matter was kept for judgment, this application was moved for recording the evidence of some other witnesses.

3. The application was strongly opposed and the learned trial Court held that sufficient opportunity was given to the petitioner to examine the witnesses. The matter is very old and it needs to be disposed of as early as possible. The application was, therefore, rejected.

4. The learned advocate for the petitioner pointed out the grounds of objections that there is material evidence against these respondents that respondent nos.1 and 2 performed their marriage and they begotten children, who are studying in the school. The petitioner required time to get such information, and therefore, the complainant could not examine the witnesses within time. The learned advocate for the petitioner submitted that the order passed by the learned trial Court is not legal and sustainable. It is lastly prayed to set aside the said order and allow the application at Exhibit-211 in R.C.C. No.134 of 2007.

5. The learned advocate for the respondents strongly objected the petition and submitted that for about 8 months, the petitioner did not adduce evidence and when the evidence was closed on

26.07.2022, an application was moved on 06.02.2023 when the matter was posted for judgment after hearing the arguments. He, therefore, prayed to dismiss the Writ Petition.

6. Perused the application Exhibit-211 and the impugned order. Para no.5 of the impugned order is self explanatory, in which it is held that for about 8 months, the petitioner did not adduce evidence. There is no justification for causing delay to adduce the evidence of these witnesses. The order passed by the learned trial Court is thus well reasoned and no interference is warranted. There is no substance in the grounds of objections of this writ petition. The writ petition, therefore, deserves to be dismissed. It is accordingly dismissed. No costs.

(SANJAY A. DESHMUKH, J.)

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