



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (APL) NO. 287 OF 2024

Pradeep S/o. Dayaldas Sadane

Vs.

The State of Maharashtra and another

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

Court's or Judge's Order

Shri Sumit G. Joshi, Advocate for applicant.

Shri Harshal Futane, APP for non-applicant no. 1/State.

CORAM :- M. W. CHANDWANI, J.

DATED :- 20.02.2024

Heard.

2. The order dated 28.12.2023 passed by the learned Additional Sessions Judge (ASJ), Akola in Criminal Revision No. 68/2023, dismissing the revision application of the applicant, is under challenged in this application.

3. The contention is that the non-applicant no. 2 filed a proceedings under Section 12 of the provisions of the Protection of Women from Domestic Violence Act, 2005 (for short, "the DV Act") against the applicant and her in-laws, wherein the Court has passed the order not to sell the property belonging to the non-applicant no. 2 and her deceased husband.

4. According to the learned counsel for the applicant, the mother-in-law of the non-applicant no. 2

sold the property, which was in her name. The applicant only stood as a witness to the said sale deed. On the grievance raised by the non-applicant no. 2, the learned Magistrate directed an enquiry and after receipt of report under Section 202 of the Code of Criminal Procedure, wherein inspite of the Police has informed that the mother-in-law of the non-applicant no. 2 sold the property, which is standing on her own name, the learned Magistrate issued process under Section 31 of the DV Act. An unsuccessful attempt was made by the applicant before the learned ASJ, Akola by filing revision. Therefore, the impugned order of the learned ASJ, Akola has been challenged in this application.

5. Issue notice to the non-applicants, returnable in two weeks.

6. The learned APP waives service of notice for non-applicant no. 1/State.

7. The applicant may file appropriate application before the learned Magistrate for personal exemption. The Court shall consider the same.

(M. W. CHANDWANI, J.)