

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3075 OF 2024**

Rehan Abdul Rahuf Jamadar ...Petitioner
Versus
Sanobar Badruddin Nadkar And Anr ...Respondents

Mr. Sumit Kothari for the Petitioner.
Mr. Shreyas S. Butala (Through V.C.) for Respondent No.1
Mr. S. S. Chaudhari, APP for the Respondent-State.

**CORAM : SHIVKUMAR DIGE, J.
DATE : 27th NOVEMBER, 2025.**

P.C.

1. The challenge in this petition is the order dated 22nd January 2024 passed by learned Ad-hoc District Judge-1 and Asstt. Sessions Judge, Khed, Dist. Ratnagiri in Criminal Revision Application No. 21 of 2023.

2. It is contention of learned counsel for the petitioner that the petitioner and the respondent are husband and wife, the respondent has filed Criminal Application No. 31 of 2018 under provisions of Section 3 and 4 of The Muslim Women (Protection of Rights on Divorce) Act, 1986 for getting lumpsum maintenance/Meher of Rs. 50 Lakhs. It is pending in the Court of Judicial Magistrate First Class (for short "the JMFC") Khed. Learned counsel further submitted that

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respondent did not disclose about execution of memorandum/receipt in the Application. The petitioner has filed say to the said Application and has stated that Meher has been paid to the respondent. The memorandum was signed by the witnesses. Learned counsel further submitted that respondent has filed other Criminal Application No. 37 of 2018 before JMFC Khed under Section 125(1) of Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') for getting maintenance of Rs. 25,000/- per month. In the said application also, the respondent did not disclose about execution of memorandum.

3. Learned counsel further submitted that the respondent had filed application for amendment. By way of said amendment, respondent sought to add details of receipt of amount received on 26th October 2010. The petitioner had filed reply to the said application thereby denying the contents of the application and opposing the amendment. Learned JMFC allowed the application without assigning any reason. The petitioner challenged the said order before the learned Additional Sessions Judge, Khed. Learned Sessions Judge has confirmed the order of learned JMFC. Learned counsel further submitted that the learned Trial Court should not have allowed the amendment as the respondent's cross-examination is going on. Once the evidence is started, amendment cannot be

permitted and requested to allow the petition.

4. It is contention of learned counsel for respondent that cross-examination of the respondent is yet not started and allowing the amendment was in respect receipt which was executed alongwith Talaknama. The amendment was consistent with the pending matter. The learned Trial Court and learned Sessions Court have passed a well reasoned order and no interference is required in it. Hence, requested to reject the Petition.

5. I have heard both the learned counsel. While rejecting Criminal Revision Application, learned Sessions Court has observed that amendment is consistent with the pleading. I do not find infirmity in it. In my view, the cross-examination of the respondent has not yet started. The amendment was in respect of production of receipt filed alongwith Talaknama. Hence, it cannot be said that it is out of pleading and I pass following order:

ORDER

I. Writ Petition is dismissed.

(SHIVKUMAR DIGE, J.)