



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO.728 OF 2024

Vanish S/o Anil Jagtap .Vs. Shradhha W/o Vanish Jagtap

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

Court's or Judge's Order

Mr. S.P. Sonwane, Advocate for petitioner.

Mr. H.R. Gadhia, Advocate for respondent.

CORAM : ANIL S. KILOR, J.

DATED : 05/03/2025

1. Heard.

2. The application for amendment moved by the petitioner in domestic violence proceeding filed by the petitioner came to be rejected vide order dated 02.05.2024 by the Judicial Magistrate First Class, Court No.3, Shegaon, which was the subject matter of the appeal before the learned Additional Sessions Judge, Khamgaon, Dist. Buldhana, in PWDVA Appeal No.15 of 2024. The learned appellate Court vide judgment and order dated 03.08.2024 rejected the appeal. Hence, this petition.

3. Having gone through the record, it is evident that the marriage of the petitioner and the respondent was solemnized on 09.02.2011 and thereafter, because of matrimonial dispute, the respondent left the matrimonial home and later filed a domestic violence case i.e. PWDV Case No.03 of 2014 against the petitioner and two others

under Sections 12, 18, 19, 20 and 23 of the Protection of Women from Domestic Violence Act, 2005.

4. The said proceeding is pending since 2014 and in the said proceeding, the husband i.e. the petitioner filed his reply in the year 2014 itself. Subsequently, in 2024 i.e. after 10 years, the petitioner-husband moved an application to amend his reply.

5. Having gone through the proposed amendment, it is evident that, certain facts are relating to the period prior to the filing of the domestic violence proceeding and some of the facts are relating to the proceeding filed in the year 2018. Even those facts were in the knowledge from 2019.

6. Furthermore, if those facts were already knowledge to the petitioner for a long period, there is no justification or explanation offered by the petitioner for moving the application for amendment belatedly. Admittedly, the proceeding has already been commenced and the matter is fixed for recording of the evidence. In the circumstances, the submission of the learned counsel for the petitioner that the order passed by both the Courts below are erroneous, cannot be accepted in absence of any justification for moving such application belatedly.

7. It is further noted by both the Courts below that similar amendment was sought to be made in the year 2019 in Criminal M.A. No.173 of 2012.

8. From the said fact, it is evident that all these facts were in the knowledge of the petitioner since 2019. Thus, both the Courts held that, in absence of diligence on the part of the petitioner, prayer for amendment to the reply cannot be granted. Since, I do not find any error committed by both the Courts below, the writ petition is **dismissed**.

JUDGE