

MHOS150017712022



Cri.M.A.No. 149/2021
Fatima Vs. Nabilal
CNRNOMHOS150017712022

ORDER PASSED BELOW EXH.19

1. By this application the non applicant seeking to bring call record details of applicant's mobile from *Vodafone* company for the year 2011-2012. Perused the application and say filed thereon vide Exh. 21. Heard Learned Counsels for the respective parties at length.
2. It is submitted by the non-applicant that in the year 2011-2012 that the applicant is in contact with the then S.P., Osmanabad and they were used to chat for long hours. It is also stated that, at that time the applicant was using the mobile bearing No. 7875959569. The fact of chatting between the applicant and the then S.P., Osmanabad is specifically stated by the non-applicant in his say vide Exh. 13. Hence, it is prayed to call the records of applicant's mobile from concerned company.
3. The applicant opposed the said application vehemently and denied the contents of the application. It is further stated that, the non-applicant is a teacher and if at all he was aware about the conversation between the applicant and the then S.P., he could have recovered the CDR at that time only. According to the Learned Counsel, the present application is false and is made with intent to prolong the matter. Thus, she prayed to reject the said application.
4. On going through the say filed by the non-applicant, it is noticed

that he made averments with regard to the applicant having conversation with the then S.P., Osmanabad in the year 2011-2012. Thus, according to the non-applicant the character of the applicant is not appropriate as expected in martial life. On going through the say filed by the non-applicant and present application it is also noticed that the name of the then S.P. has not been mentioned anywhere. Moreover, this being a maintenance proceeding is quasi Civil and quasi Criminal in nature. As the non-applicant is trying to show the character of the applicant, he could have filed separate proceeding against the applicant according to the law. But no such proceeding has been filed against the applicant till date. This proceeding being quasi Civil and quasi Criminal in nature, her character can not be established in this proceeding.

5. It is stated by the non-applicant in his application that he demanded call records from concern company. However, they denied to give the same. In this respect it is to be noted that nothing has been specified as to when the non-applicant demanded call records from concern company. Nothing has been brought on record that the non-applicant demanded call records from the concern company.

6. Having regards to aforesaid facts and circumstance of the case, the application being devoid of any merit is liable to be rejected. Hence, I pass the following order-

ORDER

Application stands rejected.

Date: 21/08/2024

(P. S. Thakare)

Judicial Magistrate F.C., Paranda.

CERTIFICATE

I affirm that the contents of this P.D.F. File Judgment/Order are same, word to word, as per the original Judgment/Order.

Name of the Stenographer / Clerk	Suresh B. Bhingare
Name of Court	Shri. P. S. Thakare, Jt. C.J.J.D. and J.M.F.C., Paranda
Date of Dictation	21/08/2024
Judgment signed by the P.O. on	21/08/2024
Judgment/Order uploaded on	21/08/2024

