

## FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
APPELLATE SIDE, BENCH AT AURANGABAD

**CRIMINAL WRIT PETITION NO. 1359 OF 2014****[Sunil s/o Govindrao Kumawat vs Aparna Sunil Kumawat and anr.]**

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

Court's or Judge's orders

Shri M.R.Sonawane, advocate for the petitioner  
Shri B.A.Dhengale, advocate for respondent no.1  
Shri S.A.Ambad, A.P.P. for respondent no.2

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**CORAM : V.M.DESHPANDE, J.****DATED : 13<sup>th</sup> February, 2015****PER COURT :-**

1] Rule. Rule is made returnable forthwith. With the consent of the parties, the petition is heard finally.

2] The present petitioner faced the proceedings from his wife/respondent no.1 under the provisions of the Protection of Women from Domestic Violence Act, 2005. The learned trial court handed down the verdict against him on 5.4.2014. The operative portion of the order passed by the learned Magistrate is reproduced herein under :-

“ 1. Application is partly allowed.

2. The Respondent do pay maintenance of Rs.8000/- per month to applicant from the date of application.

3. The house property Surya Banglow, Shivaji Nagar, Plot no. 24/A, Datta Housing Society, Near Fame Theater, Nashik should remain in the possession of applicant for her personal residence and respondent should not disturb her possession and respondent should not illtreat her.

4. Respondent is restrained from creating third party interest in respect of above mentioned house by way of sale, mortgage, etc.

5. Prayer of compensation of Rs.15,00,000/- is rejected.

6. Respondent do pay costs of present application to the tune of Rs. 2000/- to the applicant

7. The copies of this order be given to parties, protection officer and concern police station vide section 24 of the Protection of Women from Domestic Violence Act, 2005. ”

3] Being dissatisfied with such verdict, the present petitioner filed statutory appeal bearing Criminal Appeal No. 24 of 2014. Along with the said

Appeal, he moved an application Exh. 5 for stay of the judgment and order passed by the learned Magistrate. On 17.10.2014 the learned Additional Sessions Judge-4, Aurangabad partly allowed the application (Exh. 5), on the condition that the petitioner shall deposit Rs. One Lac in the court till 30.10.2014 and shall continue to deposit Rs.5,000/- per month towards maintenance. The present Writ Petition is against the said condition.

4] After hearing the parties to the petition, I feel, the following arrangement can subserve the interest of justice.

(i) The petitioner shall deposit Rs.75,000/- instead of Rs. One Lac as directed by the Additional Sessions Judge-4, Aurangabad in the court of the Additional Sessions Judge-4, Aurangabad, within a period of four weeks from today.

(ii) The petitioner shall continue to pay the maintenance amount of Rs.4,000/- instead of Rs.5,000/- from 17.10.2014.

(iii) The arrears of the said amount shall also be paid within a period of four weeks and shall continue the payment regularly.

(iv) The learned Additional Sessions Judge-4, Aurangabad is directed to decide Criminal Appeal

No. 24 of 2014 within a period of one year from the receipt of this order.

(v) Both the learned counsel submit that their respective clients will extend full cooperation to the learned lower appellate court for early disposal of the appeal.

(vi) With the above observations, Criminal Writ Petition is disposed of.

(vi) Rule absolute in the above terms.

**[V.M.DESHPANDE, J.]**

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