

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL REVISION APPLICATION NO. 37 OF 2014

SMT. MARIA CLARA YVONNE NINI
PEREIRA @ MARIA YVONNE NINI CLARA
PERERA

... Petitioner

Versus

DR. AUGUSTO FRANCISCO JOAO EULOGIO
PEREIRA AND ANR.,

... Respondents

Mr. Jagannath Jayant Mulgaonkar, Advocate for the applicant.
Mr. Esperdiao Dias Do Rosario, Advocate for respondent no.1.

Coram:- C. V. BHADANG, J.

Date:- 30th March, 2015

P.C.

Heard the learned Counsel for the parties.

2. By this Revision Application, the applicant is challenging the rejection of her application for interim maintenance. The applicant has filed an application under Section 125 of the Code of Criminal Procedure (Cr.P.C., for short) seeking maintenance against the first respondent. That application is pending before the learned Judicial Magistrate, First Class, Margao. The applicant had sought interim maintenance of Rs.10,000/- per month, which was granted by the learned Magistrate by an order dated 28/12/2012. The first respondent had challenged the said order in Criminal Revision Application No. 21/2013 before the learned Additional Sessions Judge, South Goa, Margao. By a judgment and order dated 09/04/2014, the Revision Application came to be allowed and the order granting interim maintenance has been set aside. It is against

that order that the applicant is approaching this Court.

3. On hearing the learned Counsel for the parties, it appears that the substantive proceedings before the Magistrate are filed as far back as in the year 2010. Even the order of interim maintenance was passed in the year 2012 and now has been set aside. It is also not in dispute that the applicant has filed affidavit in lieu of chief-examination before the Magistrate. The interim maintenance is expected to cater to situations of urgent nature and to grant immediate relief against destitution. That purpose is clearly lost in the present case by passage of time. The parties fairly submit that the main application before the Magistrate may be expedited and subject to this, the Revision Application may be disposed of.

4. In the result, the Revision Application is disposed of. The learned Magistrate shall decide the application for maintenance as expeditiously as possible and preferably, within a period of three months from today.

C. V. BHADANG, J.

SMA