

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRI. REVISION APPLICATION (ST.) NO. 37 OF 2015

Ravindra Trimbak Ganore ... Applicant.

V/s.

Suvarna Ravindra Ganore & Ors. ... Respondents.

Mr. Dilip S.Khandve, Advocate for the Applicant.

Smt. Suvarna R. Ganore, Respondent No.1-in-person, present.

Ms. G. P. Mulekar, APP for the State.

CORAM : M.L.TAHALIYANI,J.

DATE : 17th JULY, 2015

P.C. :

1 This criminal revision be registered in view of the
condonation of the delay.

2 The Revision application is admitted and heard
finally by consent of the parties.

3 Heard the learned Advocate for the applicant and
the learned additional public prosecutor for the State.

4 This criminal revision application impugns the
order passed by the learned additional Sessions Judge, 7th

Court, Pune in criminal appeal no.112 of 2013. The appeal was filed by the applicant against the order of the learned Judicial Magistrate, First Class, Pune in Misc. Application No. 2426 of 2011. This misc. application was filed by respondent no.1 on behalf of herself and on behalf of her daughter-respondent no.2 for grant of monetary and other reliefs under section 12 of the Protection of Women from Domestic Violence Act. The learned Magistrate granted the prayers and directed the applicant to pay compensation of Rs. One lakh and also to pay Rs. Ten thousand per month to respondents no.1 and 2 by way of maintenance.

5 The learned additional Sessions Judge while deciding the appeal modified the order of the learned Magistrate which runs as under :

“[1] The appeal is partly allowed with proportionate cost payable to the respondents.

[2] The matter be remanded to the original court and the trial court is hereby directed to consider the matter afresh and decide all the issues on the merit after giving the opportunities to lead evidence by both the parties.

[3] The appellant is hereby directed to pay the interim maintenance @ Rs.7,000/- p.m. from the date of this order till the decision of the application afresh for the respondent no.1 and 2 in addition to Rs.5,000/- p.m. granted by Family Court.

[4] After recording the evidence of respondent if the appellant will failed to adduce his evidence on the very next day, the order

dated 01.02.2013 passed by the trial court earlier will automatically revived and the appellant has to pay the maintenance at the said rate to the respondent.

[5] The order of the trial court regarding payment of Rs.1.00 lacs towards the compensation is hereby stayed till the decision of Criminal M.A.No.2426/2011 afresh.

[6] Rest of the order regarding the protection of the respondent is hereby confirmed.

[7] The record and proceedings be sent to the lower court with the copy of the order passed in the appeal.”.

It is the para 3 of the said order which is sought to be challenged in the present revision application.

6 Without going to the merits of the case, it may be noted here that oral evidence has been recorded by the learned Magistrate and it further appears that the part of the evidence is yet to be recorded in view of the directions issued by the Sessions Court. In my opinion, it will be just and proper if the application pending before the learned Magistrate under section 12 of the Protection of Women from Domestic Violence Act is decided finally. I am not inclined to interfere with the interim order passed by the additional Sessions Judge. However, it is directed that the application pending before the learned Magistrate shall be decided within a period of two months from the date of the receipt of the authenticated copy of this order.

7 This criminal revision application stands disposed
of in the above terms.

 The parties to appear before the court of learned
Magistrate on 5th August, 2015.

(JUDGE)

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