

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO. 46 OF 2015

Vijay Sudhakar Khairnar	..	Applicant
VS.		
Vidya Vijay Khairnar & Ors.	..	Respondents

Mr. Sachin B. Chandan for Applicant.
Mrs. A. A. Mane - APP for State.

CORAM : M. S. SONAK, J.
DATE: 18 DECEMBER 2015

P.C. :-

- 1] The learned counsel for the applicant states that he is unable to proceed with this matter as his brief is lost.
- 2] By order dated 27 August 2015, the learned counsel for the applicant was granted time to take instructions as to what are the arrears of maintenance and within what time the applicant will clear the arrears. Obviously, on the ground that the brief is lost, the learned counsel for the applicant is unable to make any statement in this regard.
- 3] In these circumstances, it will be appropriate to dismiss this criminal revision application for non prosecution.

4] It appears that there was no stay granted by this Court. The applicant has not paid any maintenance or cleared the arrears in terms of the impugned order. The applicant is possibly avoiding payment of maintenance or clear the arrears on the ground of mere pendency of this criminal revision application. This is not proper. In any case, there is no justification not to proceed with the matter today. On one hand, the applicant cannot refuse to proceed with the matter and on the other hand, refuse to pay maintenance to the respondent - wife and the minor son.

5] All these grounds are sufficient to dismiss the criminal revision application. Accordingly, the same is hereby dismissed.

(M. S. SONAK, J.)

Chandka