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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION 100 of 2015.

Ashok Sunderjibhai Jadhav

..Applicant.

Vs

The State of Maharashtra & Anr

..Respondents.

Smt. Jamila Shaikh for the Applicant.

Mr A.S. Shitole, APP for the State.

CORAM : A.R.JOSHI, J

DATE : 17th APRIL, 2015

P.C. :

1) Heard learned Counsel for the applicant. The revision is against the order of the First Appellate Court not staying the operation of clause No. IV of the original order dated 13th May, 2014 passed by the M.M. Court No.65, Andheri, Mumbai. The said original order of M.M. Court, Andheri is in favour of the present respondent No.2 passed on her application under Section 12 of the Protection of Women from Domestic Violence Act, 2005 and asking for various reliefs under Sections 18,19, 20 and 22 of the said Act. By the said order of M.M. Court dated 13th May, 2014 the application of the respondent was partly allowed and the present applicant / original respondent was restrained by the protection

order from subjecting the present respondent, then applicant, to any acts of violence by himself or by his sons, relatives, agents, servants, etc. Access to some of the properties of the present applicant were given to the present respondent. Also the applicant was directed to pay the respondent an amount of Rs.5,000/- per month from the date of filing of the original application by her till March, 2008 and thereafter from April, 2008 @ Rs.7,500/- per month up to March, 2013 and thereafter from April, 2013 @ Rs.15,000/- per month.

2) Being aggrieved by the said order of M.M. Court No. 65, Andheri, Mumbai appeal was preferred bearing No. 639 of 2014. Said appeal is still pending before Sessions Court at Mumbai. In the said appeal Misc. Application No. 2173 of 2014 was preferred by the present applicant asking for the stay of the specific clauses of the order as to grant of maintenance in gradation as per sub-clause No. IV. However, said sub-clause IV was not stayed by the Appellate Court while admitting the appeal. It is to be noted that in the original order dated 13th May, 2014 passed by the M.M. Court No. 65, Andheri, Mumbai as per clause No.V present applicant was directed to pay an amount of Rs.2,50,000/- within three months from the date of the order and as per clause No. VI, he was directed

to pay Rs.2500/- per month towards the alternate residential accommodation from the date of filing of the application till March, 2008 and thereafter @ Rs.5000/- per month from April, 2008 to March, 2013 and thereafter @ Rs. 10,000/- per month from April, 2013. These two orders in Clause Nos. V and VI are stayed by learned Sessions Judge while admitting the appeal. In fact, these were the directions for payment of money.

3) Apparently, the order of M.M. Court is in the nature of money decree and while admitting the appeal there should have been directions for the deposit of the amount, if not to be paid to the present respondent, but to be deposited with the Appellate Court. But that has not been done. Whatever that might be, now the question is whether the clause No. IV of the said original order dated 13th May, 2014 is to be stayed or not. In the revisional jurisdiction, this Court does not find it fit to intervene in the said order of the learned Sessions Judge, Greater Mumbai. However, directions can be given to the Sessions Judge to dispose of the appeal expeditiously and preferably within the period of six months from the date of communication of these directions. As such, the present revision is disposed of with directions to the learned Sessions Judge, Greater Mumbai who is seized of the

Criminal Appeal No. 639 of 2014, to dispose of the same in accordance with law and preferably within the period of six months from the date of these directions. Accordingly, this revision application is disposed of.

(A.R.JOSHI, J.)