

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2586 OF 2014

Mrs. Archana Sachin Amburle ..Petitioner
Versus
The State of Maharashtra
and others. ..Respondents

....

Ms. Vaishali Joshi, Advocate for the Petitioner.
Ms. Kokila Kalra, Advocate for Respondent Nos.2 to 5.
Mr. V.B. Konde Deshmukh, APP for the State.

....

CORAM : M. L. TAHALIYANI, J.

DATE : 22nd APRIL, 2015

P.C.

1. Heard learned Advocate for the petitioner, learned Advocate for respondent Nos.2 to 5 and learned Additional PP for the State. Admit. By consent, taken up for final disposal.

2. This Criminal Writ Petition impugns the order passed by the Additional Sessions Judge rejecting the appeal filed by the petitioner under Section 29 of the Protection of Women from Domestic Violence Act (for short hereinafter referred to as “the said Act”). The learned trial Magistrate had refused to grant interim relief to the petitioner though interim relief has been granted to the child of the petitioner and respondent No.2 Sachin. It appears that the learned trial Magistrate and the Appellate Court came to the conclusion that the petitioner was capable of

maintaining herself.

3. Without going into the merits of the matter what can be mentioned here is that the Petition is pending since last more than two years. The purpose of introduction of the said Act was not to continue the proceedings on interim orders only. The said Act was meant for final solution to the problems of aggrieved person under the said Act. In my opinion, there is no point in wasting so much of time at interim stage. The prayer of the Writ Petitioner shall come to a logical end as early as possible. It may be noted that Section 12(5) of the said Act provides for conclusion of the hearing of an application within a period of 60 days from the date of filing.

4. In addition to this it is submitted by learned Counsel for respondent Nos.2 to 5 that hearing of the main application has begun and affidavit of evidence has already been filed by the petitioner.

5. In view thereof, I am not inclined to give any relief to the petitioner. The Petition stands dismissed.

6. Learned Magistrate is directed to expedite the hearing and pass final order within a period of 30 days from the date of receipt of this order.

JUDGE