

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

CRIMINAL APPLICATION NO. 1253 OF 2014

Smt. Priya Rajesh

... Applicant.

V/s.

State of Maharashtra & Anr.

... Respondents.

Ms. K. H. Rajani, Advocate for the Applicant.

Ms. A. A. Mane, APP for the State.

Mr. Rakesh Singh i/by M. V. Kini & Co. for Respondent No.2.

CORAM : M.L.TAHALIYANI,J.

DATE : 17th APRIL, 2015

P.C. :

1 Admit. By consent, heard finally at the admission stage.

2 Heard learned counsel appearing for the applicant, learned counsel appearing for respondent no.2 and learned APP for the State.

3 The applicant has filed an application under section 12 of the Protection of Women from Domestic Violence Act and it is pending before the court of learned Judicial Magistrate, First Class, Vashi. The learned Magistrate has granted some interim relief to the applicant. Respondent No.2 moved the

Sessions Court in appeal. The Sessions Court has decided the appeal and has remanded the matter back to the Magistrate for reconsideration. As such the application is pending before the learned Magistrate for reconsideration.

4 This application is for setting aside the order of the learned Sessions Judge and for restoring the order passed by the learned Judicial Magistrate of interim relief. It may be noted here that the main application filed by the applicant is of the year 2013 and no steps have been taken for final decision of the application. The law enjoins upon the court to decide the application within a period of 60 days. I am aware that it is practically not possible for the Magistrates in Vashi to decide such applications within 60 days. However, I have also taken note of the fact that most of the Magistrates pass interim orders and do not bother about the main applications. Adjournments are given in the main applications and the cases remain pending for years together. This situation needs to be brought under control.

5 In view of the prevailing situation what is necessary to be done in the present case is to direct the learned Magistrate to reconsider the interim prayer immediately within a period of one week and decide the same. It is also necessary to direct the Magistrate to decide the main

application of the applicant within a period of two months from the date of the receipt of this order.

6 The Magistrate is, therefore, directed to decide the interim application within eight days from the receipt of this order and the main application within a period of two months from the date of the receipt of this order.

7 The present application stands disposed of accordingly.

(JUDGE)

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