

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.M.P. No. 1025 of 2016

Mustufa Bharti @ Bablu S/o Late Eid Mohmmad, aged about 37 years,
R/o Mohalla Talapara Peepal Chowk Bilaspur Thana Civil Line
Bilaspur, District Bilaspur, Chhattisgarh

---- Petitioner

Versus

Smt. Parvin Nisha W/o Mustfa Bharti @ Bablu aged about 27 years, at
present - Raniroad Prathmik Shala Ke Peeche Korba Tah. & District
Korba, Chhattisgarh

---- Respondent

For Petitioner	:	Shri Rajendra Ku. Patel, Advocate
For Respondent	:	Shri Vikash Pandey, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

04/11/2016

The present petition has been filed challenging the order dated 22.08.2016 passed by the Additional Session Judge, Korba in Criminal Appeal No. 65 of 2015 whereby the Court below has affirmed the order of the JMFC, Korba dated 22.09.2015 passed in Misc. Criminal Case No.03/2015 granting interim maintenance to the respondent-wife under the provisions of Protection of Women from Domestic Violence Act (for short 'DV Act').

2. Brief facts of the case are that the respondent-wife filed an application before the JMFC, Korba alleging that the petitioner-husband subjected her ill-treatment and cruelty and created a situation where she was not properly looked after by the petitioner. Under the peculiar facts and circumstances, the respondent-wife was forced to leave the matrimonial home and to take shelter elsewhere leading to the filing of the application under Section 12 read with Sections 18, 19, 20, 21, 22 & 23 of the DV Act. In addition, she

has also filed an application for interim maintenance as per Section 23(2) of the said Act.

3. The JMFC, Korba after considering the facts and circumstances of the case vide its order dated 22.09.2015 granted an interim maintenance of Rs.1,000/- per month to be paid to the respondent by the petitioner.

4. It is this order dated 22.09.2015 which was challenged by the petitioner before the 1st Additional Sessions Judge, Korba in Criminal Appeal No. 65/2015. The lower Appellate Court also vide impugned order dated 22.08.2016 affirming the order of the JMFC rejected the appeal leading to the filing of this present CrMP.

5. Without entering into the merit of the case, in the opinion of this Court, ends of justice would meet if the parties are directed to thrash out the dispute before the trial Court after leading evidence by both the parties.

6. The reluctance of this Court in not entertaining the petition is on the ground that the original order granting interim maintenance was passed as early as on 22.09.2015 i.e. more than one year back and in between the trial must have made a substantial progress and if not must have reached at the fag end stage. For this reason, this Court is not inclined to entertain the petition.

7. Accordingly, the present Cr.M.P. is disposed of with a direction to the trial Court to conclude the trial as expeditiously as possible if it has not yet concluded subject to the co-operation of the parties.

Sd/-

(P. Sam Koshy)
Judge