

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1751 OF 2015
IN
CRIMINAL REVISION APPLICATION (STAMP) NO. 58 OF 2015

Sau. Rekha w/o Ravikant Gadkari and another .. Applicants

vs

The State of Maharashtra and another .. Respondents

Mr. V. B. Garud, Advocate for applicants

Mr. V. G. Shelke, A. P. P. for respondent no. 1

Mr. P. B. Waghmare, Advocate for respondent No. 2

CORAM : SUNIL P. DESHMUKH, J.
9TH MARCH, 2016

ORDER:

1. Heard learned counsel for the parties.
2. It has been referred to by learned counsel for the applicants that after order dated 05-08-2013 by the family court, Aurangabad in Petition No. A-119/2009, applicant no. 1-wife had been to respondent no.2-husband for a few days. However, ill-treatment went on unabated and as such she was required to move out. Subsequently, due to health problems which were of quite serious nature she could not make it to this court early and under the circumstances delay of 514 days has been caused in filing present criminal revision application against order dated 05-08-2013 referred to hereinabove.
3. Learned counsel for the applicants further additionally refers to that respondent no. 2-husband has instituted proceedings for

restitution of conjugal rights against present applicant no. 1 and since she had been willing to co-habit with husband, she had not resisted those proceedings. He, therefore, submits that taking overall view of the matter, delay caused deserves liberal approach.

4. Mr. Waghmare, learned advocate appearing for respondent no. 2 - husband submits that delay is enormous and cannot be said to be properly explained. The reasons as have been given now are got up reasons, for, initially save and except that applicant-wife was suffering from some ailment, no credible medical evidence had been produced and documents are subsequently collected. He submits, even going by the ground of ailment as claimed, it cannot be said that the same would have detained her from making approach to this court earlier.

5. Position emerges that veracity of contents of the application do not appear to have been seriously contested. The ailment is not disputed. In the circumstances, I deem it appropriate to grant the application and condone the delay.

6. Delay accordingly stands condoned. Application stands disposed of. Criminal revision to proceeding further.

SUNIL P. DESHMUKH,
JUDGE

pnd