

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

**1 CRIMINAL APPLICATION NO. 3210 OF 2014
IN
REVN/143/2014**

MADHAV RADHAKISAN YESHWANT

VERSUS

PRAMILA MADHAV YESHWANT & ANR.

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Mr. U.S.Malte, Advocate for Applicant.

Mr. A.V.Sakolkar, Advocate for R – 1.

Mr. G.O.Wattamwar, A.P.P. for R - 2- State.

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CORAM : Z.A.HAQ, J.

DATE : 16th DECEMBER, 2016

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ORAL ORDER :

01. Heard Mr. U.S.Malte, learned Advocate for the Applicant, Mr. A.V.Sakolkar, learned Advocate for non-applicant No. 1 and Mr. G.O.Wattamwar, learned A.P.P. for non-applicant No. 2- State.

02. The applicant [husband] has challenged the Judgment passed by the Family Court allowing the

petition filed by non-applicant [wife] and directing the husband to pay maintenance of Rs. 5000/- per month.

03. The learned Advocate for the applicant has pointed out the Judgment passed by the learned Magistrate in Criminal Misc. Application No. 602/2008 on 16/07/2012, by which the application filed by the wife u/s 12 of the Protection of Women from Domestic Violence Act is dismissed.

The learned Advocate for the husband has also pointed out the Judgment passed in RTC No. 207/2007 which was initiated on the complaint of the wife. By this Judgment, the husband, his father and his mother are acquitted of the offences punishable u/s 498-A, 323, 504, 506 read with section 34 of the Indian Penal Code.

Though the Judgment in RTC No. 207/2007 is delivered subsequent to the impugned Judgment, the Judgment passed by the learned Magistrate

dismissing the application filed by the wife u/s 12 of the Protection of Women from Domestic Violence Act, 2005 is much prior to the impugned Judgment.

I find that the Family Court has not adverted to the relevant aspects, the effect of the Judgment passed in Criminal Misc. Application No. 602/2008 and the defence of the husband relying on the provisions of Section 125 (4) of the Code of Criminal Procedure.

04. The points raised in the application require consideration.

'Rule'.

05. The applicant [husband] has deposited the amount of Rs. 2 Lakh with the Registry of this Court as per the earlier order passed by this Court.

This Court has already granted interim order.

The interim order granted by this Court shall continue till the disposal of the Criminal Revision Application.

The Criminal Application is disposed of.

[Z.A.HAQ, J.]

KNP/Cr.Apln. 3210.2014