

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

CRIMINAL WRIT PETITION NO. 1095 OF 2015

Saidas s/o Babu Rathod,
Age: 40 years, Occu: Service as Peon,
R/o. Wadner, Tal. Kannad,
Dist. Aurangabad,
Presently R/o. ITI College,
Behind Court, Chalisgaon Road,
Kannad, Dist. Auangabad

...Petitioner

versus

1. The State of Maharashtra
2. Ravina W/o Saidas Rathod,
Age: 31 years, Occu: Household,
R/o. Jahangirwadi, Hanumansingh
Rajput Nagar, Chalisgaon,
Dist. Jalgaon
3. Pawan S/o Saidas Rathod,
Age: 9 years, Occu: Education,
R/o. As above
(through his guardian respondent
No. 2 Ravina w/o Saidas Rathod). ...Respondents

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Mr. A. R. Devakate, Advocate for petitioner;
Mr. A. R. Kale, A.P.P. for respondent/State
Mr. Y. B. Bolkar, Advocate for respondent Nos. 2 and 3

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CORAM : N.W. SAMBRE, J.

DATE : 11th APRIL, 2016

ORAL ORDER :

The present writ petition, irrespective of bar under
Section 29 of the Protection of Women from Domestic Violence Act,

2005, is entertained only on the ground that the petitioner shall deposit 75% of the amount as is ordered by learned Magistrate vide impugned order before Judicial Magistrate, First Class, Chalisgaon in Misc. Criminal Application No. 565 of 2011, within a period of eight (8) weeks from today.

2. If the amount is deposited as directed above, it will be appropriate, in my opinion, to direct learned Magistrate to hear the said application afresh, as service on all the respondents before learned Magistrate is waived by learned Counsel for the petitioner before this Court and as such, service is complete.

3. The parties herein agree that they shall appear before the learned Magistrate on 25/04/2016 and in case if the condition imposed herein above is complied, the learned Magistrate shall proceed to hear the application. If the order is not complied with, the earlier order of granting maintenance governs the field.

4. The criminal writ petition stands disposed of in above terms.

[N.W. SAMBRE, J.]