

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.1943 OF 2014**

Jakir Mahiboob Bagwan Petitioner

Vs.

Tanuja Jakir Bagwan Respondent

Mr. Sarang S. Aradhye alongwith Mr. M.S. Prabhune, Advocate for the Petitioner.

Mr. S.P. Rajepandhare i/by Mr. Ajay Joshi, Advocate for the Respondent.

Coram : **Smt. R.P. SondurBaldota, J.**

Date : 11th July, 2016

P.C.

1 By consent, the petition is taken up for final hearing at the stage of admission. Heard the advocates. Perused the application.

2 This petition by the applicant challenges the order dtd. 10th April, 2014, by which the District Court, Pandharpur dismissed his Revision Application No. 20 of 2013. The revision application was directed against the order of the trial court dtd. 12th April, 2013, partly allowing the application of the respondent filed under Section 125 Cr.P.C. The main grievance of the petitioner is that he was not heard by the District Court. Mr. Aradhye, the learned advocate for the petitioner refers to the

Roznama dtd. 3rd February, 2014, on which day the application for interim stay was to be considered in the revision application by the District Court. The hearing of the interim application was postponed to 4th February, 2014 and 18th March, 2014. Thereafter on 10th April, 2014 instead of considering the interim application, the District Court considered the revision application itself and dismissed it. Perusal of the Roznama shows that the petitioner has not had any hearing from the District Court. This fact is not disputed by Mr. Rajepandhare, the learned advocate for the respondent. In the circumstance, the impugned order is required to be set aside and the revision application remanded to the District Court for fresh consideration. However, since the petitioner is in arrears of maintenance, he must deposit the arrears in the trial court within a period of eight weeks from today. Mr. Rajepandhare states that the arrears of maintenance as on today is Rs.1,20,000/-. The petitioner shall deposit the amount within the time granted. The petition is allowed. The order dtd. 10th April, 2014 passed by the Additional Sessions Judge-I, Pandharpur in Criminal Revision Application No.20 of 2013 is set aside. The Revision Application is remanded to the District Court for fresh consideration. In the event, the petitioner fails to deposit the amount of arrears of Rs.1,20,000/- in the trial court within eight weeks from today, the District Court will pass appropriate orders in the Revision Application.

(Smt. R.P. SondurBaldota, J)