

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL WRIT PETITION NO. 2772 OF 2015

Jitesh Gopal Nair

.....Petitioner

V/s.

The State of Maharashtra and another

....Respondents

Mr. Rishi Bhuta Advocate for Petitioner.

Ms. Deepika M. Bafna Advocate for Respondent no. 2

Mrs. A. A. Mane APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : JULY 19, 2016.

PC :

- 1) Heard respective counsel.
- 2) The learned counsel for the Petitioner has brought to the notice of this Court that there are more than 3 proceedings pending against him filed by the same complainant i.e. present Respondent. That the stance of the Respondent in respect of the relationship with the Petitioner has changed from time to time. In the proceedings under challenge i.e. Case No. 78/DV/2015, the Petitioner has filed an application on 17/06/2015, praying for D.N.A. test of the child who the Respondent claims to be the biological child of the Petitioner. The learned counsel rightly submits that after issuance of notice in

ism

the present proceedings under the Domestic Violence Act, he has challenged the said proceedings before this Court, however, he has not filed his reply in the said case.

3) In view of this, the Petitioner is at liberty to file his reply before the learned Magistrate and the reply be considered on its own merits in view of the other proceedings pending against the Petitioner at the instance of the Respondent.

4) The learned Magistrate shall decide all the pending applications within 4 weeks from today. The learned Magistrate shall consider the reply of the Petitioner also within 4 weeks from today. The learned Magistrate, before deciding the petition seeking interim maintenance, shall consider the reply filed by the present Petitioner as well as decide the application filed on 17/06/2015.

5) Liberty to withdraw the petition. It is made clear that all contentions raised in the present petition are kept open.

6) Writ petition stands disposed of.

(SMT. SADHANA S. JADHAV, J.)