

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

CRIMINAL APPLICATION (APPR) NO.95 OF 2015

IN

CRIMINAL REVISION APPLICATION NO. OF 2016

(Pramod Mahadeo Athavale ..vs.. Sau. Sangita Pramod Athavale and another)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATED : 22-02-2016

Heard Shri U.J. Deshpande, learned Advocate for the applicant.

It is submitted that inspite of the fact that the non-applicant/wife has obtained decree for restitution of conjugal rights, she is staying away without any justification. It is submitted that the order for grant of maintenance under Section 125 of the Code of Criminal Procedure is passed *ex-parte* and the applicant got knowledge about it when the notice of execution proceedings is received.

None appears for the non-applicant though served.

As the contentions are uncontroverted and as I find that the explanation given by the applicant is acceptable, the delay of one year one day in filing the revision application is condoned.

The criminal application is allowed.

Criminal Revision Application No. of 2016.

Issue notice, returnable on 06-04-2016.

JUDGE

pma