

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.32 OF 2016

**RAMESH PANDURANG PAWAR-MEDHE)
AND ORS.)...APPLICANTS**

V/s.

RASHMI RAMESH PAWAR-MEDHE & ORS.)...RESPONDENTS

Mr.K.S.Patil, Advocate for the Applicant.

Mr.S.H.Koregave, Advocate for Respondent Nos.1 and 2.

Mrs.M.R.Tidke, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 18th JANUARY 2017.

P.C. :

1 By this revision application, revisional applicants / original respondents in Miscellaneous Criminal Application No.1176 of 2014 filed by respondent no.1 Rashmi Pawar / wife, are challenging the judgment and order dated 23rd December 2015 passed by the learned Ad-hoc Additional Sessions Judge, Kolhapur, thereby allowing the Criminal Appeal bearing no.154 of

2015. By this impugned judgment and order, the learned Ad-hoc Additional Sessions Judge, Kolhapur, was pleased to set aside the order dated 28th July 2015 passed by the learned JMFC below Exhibit 13 i.e. application under Section 23(2) of the Protection of Women from Domestic Violence Act (Domestic Violence Act). The application for interim maintenance filed by respondent no.1 – wife came to be allowed by directing the revisional applicant to pay maintenance of Rs.4,000/- per month to respondent no.1 – wife and Rs.2,000/- per month to respondent no.2 – daughter.

2 When the revision application came up for hearing, the learned counsel appearing for the revisional applicants as well as respondent nos.1 and 2, unanimously stated that parties are agreeing if the impugned judgment and order is modified and revisional applicants are directed to pay maintenance of Rs.4,000/- per month to respondent nos.1 and 2 from the date of institution of the application before the trial court. The statement so made needs to be accepted because what is challenged in this revision application is an order granting interim maintenance in

proceedings under the Domestic Violence Act. Therefore, by consent of both parties, the impugned judgment and order passed by the learned Ad-hoc Additional Sessions Judge, Kolhapur, on 23rd December 2015 in Criminal Appeal No.154 of 2015 is modified thus :

- i) The revision application is disposed of with a direction that revisional applicant no.1 / original respondent no.1 / husband shall pay maintenance amount of Rs.4,000/- per month for maintaining respondent nos.1 and 2 – wife and minor daughter, from the date of institution of the application for interim maintenance before the trial court, till disposal of the proceedings under the Domestic Violence Act.

(A. M. BADAR, J.)