

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL REVISION APPLICATION NO.458 OF 2016

Guruswamy Ganga Naikar .. Applicant.

Vs.

The State of Maharashtra & Anr. .. Respondents.

Mr.Ravi L. Gurnani i/b Vaibhav Puneekar for the Applicant.

Ms.M.R. Tidke APP for the Respondent.

Mrs. Vaishali Kshirsagar, Respondent No.2 present in person.

CORAM : A. K. MENON, J.

DATED : 28TH JUNE, 2017

P.C. :

1. By this revision application the applicant seeks challenge to the order dated 28th July, 2016 whereby the Sessions Court dismissed an appeal filed by the applicant challenging the order of the Metropolitan Magistrate's Court rejecting the challenge to maintainability of the application before the Magistrate's Court. While dismissing the appeal, the Lower Court was directed to dispose of the proceedings within two months from the date of the first hearing without prolonging the matter. Both parties were directed to co-operate in the Lower Court to have the proceedings disposed of as per time bound programme.

2. Mr.Gurnani, learned counsel appearing for the applicant states that the order under challenge has not been passed on merits. The same

ignores the fact that the challenge before the Magistrate was to very maintainability of the application and on the basis that the original complainant was not a “person aggrieved” under the Protection of Women from Domestic Violence Act, 2005.

3. Heard learned counsel for the parties.

4. The only challenge being to maintainability of the application and that having been decided there is no reason to find fault with the order passed by the learned Magistrate. The filing of present application has probably resulted in further delay of hearing of the main complaint before the Magistrate's Court. Both the parties state that the matter before the Lower Court is now fixed on 18th July, 2017. In the circumstances I pass the following order :

(i) The Magistrate's Court is directed to dispose of the application as per its turn without granting adjournments, unless absolutely necessary.

(ii) In view of the above directions the application is dismissed.

(iii) No order as to the costs.

(A.K. MENON, J.)