

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

CRIMINAL APPLICATION (APL) NO.319/2017

(Prakash s/o Devidas Dange ..vs.. Sau. Madhuri w/o Prashant Dange and ors.)

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

Court's or Judge's orders.

Mr. R. M. Mardikar, Advocate for applicant.

CORAM : V. M. DESHPANDE, J.

DATE : AUGUST 7, 2017.

Heard Mr. Mardikar, learned counsel for the applicant. The applicant is challenging the judgment and order passed by the learned Additional Sessions Judge, Chandarpur dated 24.02.2017 in Criminal Appeal No. 124/2016 whereby the court below dismissed the appeal arising out of the order passed by the learned Judicial Magistrate First Class Court No.3, Chandrapur in Misc. Criminal Application No.6/2016 by which interim maintenance of Rs.6,000/- per month is granted in favour of the non applicant till the decision of main application.

It is not in dispute that the marriage between non applicant no.1 and the present applicant was solemnized on 26.05.2006 and non applicant nos. 2 and 3 are son and daughter of the applicant.

The non applicant has filed proceeding under Section 12 of the Domestic Violence Act. The sum and substance of the proceeding filed under Section 12 of the Domestic Violence Act is that after few days of the marriage, the applicant got addicted to liquor and started

giving ill treatment under the influence of liquor. On 20.05.2015, the applicant drove out the non applicant from the house. However, the matter was settled amicably. Thereafter the applicant started suspecting character of the non applicant and therefore she was required to reside with her parents along with her children.

The learned counsel for the applicant submitted that the applicant is not challenging the maintenance granted in favour of the son and daughter. He submitted that the applicant is aggrieved by the fact that non applicant wife is earning Rs.5,000/- per month and therefore she is not entitled for maintenance and also urged that she is leading an adulterous life.

The maintenance is granted under Section 125 of the Cr.P.C. The learned lower appellate Court has noticed that Rs.5,000/- is a paltry amount and with such amount, it is hardly sufficient to meet the daily needs and education expenses of the non applicant nos. 2 and 3.

The present proceeding arises out of interim arrangement. In that view of the matter, in my view without disturbing the said arrangement ends of justice can be achieved by directing the learned Magistrate before whom the proceedings under the Domestic Violence Act are pending to decide the same within the stipulated time of Six months from the date of receipt of this order.

In view of above, the present application is disposed of with a direction to the learned Judicial Magistrate First Class, Court No.3, Chandrapur to decide the Misc. Criminal case No.6/2016 within a period of six months from the date of receipt of this order.

JUDGE

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