

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.9226 OF 2017

ORDER:

Heard learned counsel for the petitioner, who was respondent in D.V.C.No.20 of 2015, filed by his wife – 1st respondent herein and the learned I Additional Chief Metropolitan Magistrate, Visakhapatnam, in the pending DVC on the application as an interim measure ordered for payment of interim maintenance and to impugn the same, he maintained the appeal under Section 29 of the Protection of Women From Domestic Violence Act, with delay condonation application for 208 days in Cr1.M.P.No.2033 of 2017. Since the learned Sessions Judge dismissed the application to condone the delay of the unnumbered appeal to entertain, on 13.07.2017, he filed the present quash petition and also heard the learned public prosecutor, representing the 2nd respondent – State, before ordering notice to the 1st respondent.

2. Perused the material on record.
3. Instead of keeping the matter pending and ordering notice to the 1st respondent; to sub-serve the ends of justice, as it is only an interim measure and without prejudice to the contest of the petitioner including for the trial court to decide the main DVC uninfluenced by the interim order, this

criminal petition is disposed of, directing the learned Chief Metropolitan Magistrate, where the DVC case is pending to dispose of the main DVC case, within a period of two months from the date of receipt of a copy of this order.

4. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence.

DR.B.SIVA SANKARA RAO, J

04.10.2017
SS

