

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.78 OF 2018

Madhuri Gaurav Maule Applicant
versus
Gaurav Madhukar Maule and another Respondents

Mr.R.Sathyanarayanan for applicant.
Mr.A.R.Patil, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 16th July 2018

PC :

1. The applicant is aggrieved by order dated 5th August 2017 passed by District Judge-5 and Additional Sessions Judge, Nashik below Exhibit-1 in Criminal Appeal No.18 of 2017.

2. It is submitted that the applicant-wife had initiated the proceedings under the provisions of Protection of Women from Domestic Violence Act, 2005 in which learned Judicial Magistrate, First Class, Nashik by order dated 15th December 2016 had directed the respondents to pay maintenance @ Rs,6,000/- p.m to the applicant and Rs.2,500/- p.m. collectively to three minor children. The said order was challenged by the respondents before the Sessions Court in the aforesaid appeal. The Sessions Court granted stay to the decision of Trial Court on depositing the amount towards due maintenance on or before 10th August 2017. It is submitted that in view of the interim order passed by the Appellate Court, the order directing payment of subsequent maintenance has been stayed and

the respondents thereby are not paying the maintenance. It is submitted that the appeal is pending before the Sessions Court since last about more than one year and as a result thereof, the applicant is deprived of the monthly maintenance pursuant to the interim order dated 5th August 2017.

3. The applicant had prayed that the order dated 5th August 2017 be set aside. The other prayer in the application is that the Appellate Court be directed to hear and dispose off Criminal Appeal No.18 of 2017 within a time frame.

4. Considering the aforesaid circumstances, the prayer for expediting the hearing of appeal can be allowed. Hence, I pass following order :

ORDER

(i) The learned District Judge-5 and Additional Sessions Judge, Nashik is directed to hear and dispose off Criminal Appeal No.18 of 2017 expeditiously within three months from the date of receipt of copy of this order;

(ii) Criminal Application No.78 of 2018 is disposed off.

(PRAKASH D. NAIK, J.)

MST