

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

WRIT PETITION NO. 2063 OF 2018

Viren S/o Mulchand Lalan ... Petitioner
Vs.
State of Maharashtra & Ors. ... Respondents.

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Mr. S.R. Soni for the Petitioner.
Mr. S.R. Shinde, APP for the Respondent-State.
Mr. B.R. Patil for the Respondent No.2

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CORAM : PRAKASH D. NAIK, J.

DATE : 11th JUNE, 2018

P.C.

1. The petitioner is aggrieved by order dated 20th January, 2018 passed by the Sessions Court in Criminal Appeal No. 328 of 2017. The appellant had challenged the order passed by the trial Court in the proceedings under the Domestic Violence Act granting interim maintenance of Rs.10,000/- to the wife and Rs.4,500/- towards the accommodation to her. The appeal was heard for interim relief by the Sessions Court and by order dated 20th January, 2018 the court was pleased to refuse to grant interim relief. While passing the said order, it is observed that applicant

is in arrears of Rs.3,93,000/- till the previous month towards the interim maintenance and towards the rent amount granted under the impugned order to respondent. The court further observed that the order passed by granting interim maintenance and rent for accommodation cannot be stayed blanketly as the proceedings under the Domestic Violence Act being beneficial legislation.

2. It is submitted by the advocate for the petitioner that the respondent had suppressed the vital facts. The Trial Court had not taken into consideration the exact income of the petitioner in proper prospective. It is submitted that today the petitioner is not having any income.

3. The appeal is pending before the Sessions Court and next date is 20th July, 2018. The learned counsel for the respondent No.2 submitted that both the orders passed by the trial Court are not complied by the petitioner. It is submitted that the petitioner is earning income out of the business conducted by the family.

4. Be that as it may be, the merits of the case shall be decided by the Appellate Court in the appeal. In the circumstances, herein above, no case for grant of stay is made out. However, since the operation of the order passed by the Trial Court is not

stayed by the Appellate Court, the said Court shall make endeavour to dispose of the appeal preferred by the applicant within six weeks from today.

5. The petition is disposed of, with no order as to costs.

(PRAKASH D. NAIK, J.)