

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO.339 of 2018

Kamalrukh Tehmil Sethna	.. Applicant
Versus	
Tehmul Burjor Sethna and anr	.. Respondents

...

Mr. C.G.Gavnekar I/b Dr.Rohini Pandit with Mr.A.C. Gavnekar I/b Suhas Deokar for the applicant.
Mr.Sanobar Nanavati I/b Projyot Sawardekar for respondent no.1.
Mr.K.V. Saste, APP for the State.

CORAM: SMT. BHARATI H.DANGRE, J.

DATED : 10th SEPTEMBER, 2018

P.C:-

1 Both the parties concede to the fact that the Appeal which is filed by the respondent husband vide Criminal Appeal No.118 of 2018 before the Sessions Court, Mumbai is being heard and a responsible statement is made that the next date when the Appeal is slated to be heard, is 9th October 2018. The challenge in the present Revision Application is to the order passed below Exhibit-2 by the Sessions Court and the precise statement of the learned counsel is that the said order is cryptic

and though *prima facie* a finding is recorded that the appellant has neglected to maintain the respondent who is the legally wedded wife, the Additional Sessions Judge on a specious ground and since he feels that it would be justified to stay the operation of the impugned judgment has granted stay subject to the condition of deposit of arrears of 50% maintenance and with a stipulation that the said amount would be deposited.

In any contingency, since the Appellate Court is now proceeding with the Appeal and next date of hearing is scheduled on 9th October 2018, the parties arrive at a consensus that the matter would be argued finally before the Sessions Judge on 9th October 2018 or on whatever subsequent date which the Court would fix. However, considering the exigency of the matter, the learned Sessions Judge is requested to hear and conclude the Appeal and pass an order, in any contingency, before 26th October 2018.

With this direction, Revision Application is disposed of.

(SMT. BHARATI H. DANGRE, J.)

Manali
Prasanna
Tilak

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signed by
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Prasanna Tilak
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