

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Criminal Writ Petition NO. 3853 OF 2018

Anandrao Yashwnat Shinde

And another

...Petitioners

Versus

Sharayu Anandrao Shinde

And another

...Respondents

....

Mr. Ramesh L. Majgaonkar, Advocate for the Petitioners.

Mr. Abhishek P. Deshmukh, Advocate for the Respondents.

....

CORAM : R. G. KETKAR, J.

DATE : 01st NOVEMBER, 2018

P.C.

1. Heard Mr.Ramesh Majgaonkar, learned counsel for the petitioners and Mr.Abhishek Deshmukh, learned counsel for the respondents.

2. This petition takes exception to the order dated 27.7.2018 passed by the learned 10th Jt. Civil Judge, Junior Division & JMFC, Pune below Exhibit 5 in Cri. M.A. No.1500/2018.

3. Mr. Deshmukh has raised a preliminary objection about the maintainability of the Writ Petition. He submitted that the order impugned in this Petition is passed by the learned J.M.F.C. in an application under Section 23 of the Protection of Women from Domestic

Violence Act, 2005 (for short, 'D.V. Act'). He submitted that the impugned order is appealable under Section 29 of the D.V. Act before the Sessions Court. I find merit in the submission of Mr. Deshmukh. Hence, the Petition is dismissed on the ground of maintainability reserving liberty to the petitioner to file appeal before the Sessions Court under Section 29 of the D.V. Act within four weeks from today. If appeal is preferred within four weeks from today, the time spent by the petitioner from 29.8.2018 till date shall be excluded while considering the issue of limitation. It is made clear that I have not examined the merits of the case. The amount of Rs.29,000/- deposited by the petitioner in this Court shall be transmitted to the Court of learned J.M.F.C., Pune where the petitioner had already deposited Rs.60,000/- on 10.9.2018. Order accordingly.

(R. G. KETKAR, J.)

Deshmane (PS)