

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

CRIMINAL WRIT PETITION NO. 4089 OF 2015

Mr. Sandeep Shankar Dali

...Petitioner

Vs.

Mrs. Sanjana Sandeep Dali & Anr

... Respondents

.....

Ms. Sartaj Shaikh for the Petitioner.

Mr. Shubhankar Ghosh I/b. Mr. Hitesh D. Magar for Respondent No.1.

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CORAM : G.S. KULKARNI, J.

DATE : JANUARY 10, 2018.

P.C. :

1. Heard learned counsel for the petitioner and learned counsel for the respondent.
2. With the assistance of the learned counsel for the parties, I have gone through the documents as placed on record as also impugned order dated 7th September, 2015.
3. By the impugned order, the learned Judicial Magistrate First Class Kalyan has rejected the application filed by the petitioner-husband, by which the petitioner had sought dismissal of the application filed by the respondent-wife under Section 125 of Criminal Procedure Code. The ground on which learned trial Judge has dismissed the application is that, the contention as urged on behalf of the petitioner, that the respondent-wife in her application had

suppressed facts about the previous proceedings between the parties before the Family Court, was not a correct contention, as respondent-wife had appropriately disclosed about the previous proceedings as also the orders passed therein.

4. Having heard the learned counsel for the parties and having perused the impugned order and the documents placed on record, I find no perversity in the findings as recorded by the learned trial Judge in rejecting the application filed by the petitioner. The petition is devoid of merits and do not call for any interference.

5. It is significant that this petition is pending since 2015. The petitioner for substantial time had not bothered to place on record a copy of the impugned order and however, enjoying the interim stay of the proceedings before the trial Court as granted by this Court by an order dated 5th December, 2015. In my opinion, this has seriously prejudiced the respondent-wife in as much as, the adjudication of Section 125 proceedings has remained pending. It is therefore, in the interest of justice that the application of the respondent-wife under Section 125 of Criminal Procedure Code is adjudicated at the earliest. The learned Judicial Magistrate First Class is directed to dispose of the application of the respondent-wife under Section 125 of Criminal Procedure Code within a period of four months from today.

6. Needless to observe that all contentions of the parties on merits of the matter are expressly kept open.

7. The petition is accordingly dismissed however with the above observations. No costs.

(G.S. KULKARNI, J.)