

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

**WRIT PETITION No. 4125 OF 2016
WITH
CRIMINAL APPLICATION No. 506 OF 2017
IN
WRIT PETITION No. 4125 OF 2016**

Samiksha Bapu Dhuri

...Petitioner/Applicant

Vs.

The State of Maharashtra and Anr.

...Respondents

Mr. Ketan Dhavle for Petitioner

Mr. Bharat Gavande for Respondent No.2

Mrs. N.S. Jain -APP for the State.

CORAM : NITIN W. SAMBRE, J.

DATE: MARCH 1, 2018

P.C.

1. The order impugned passed by the learned Additional Sessions Judge, Sindhudurg in Appeal under Section 29 of Protection of Women (From Domestic Violence) Act, 2005, prima facie has not furnished any reasons for reducing the amount of maintenance and substituting an order of providing accommodation with that of making the provision for accommodation charges.
2. Even the counsel for respective parties to the petition also consented for

remanding the matter back to the Learned Appellate Court. In view thereof, the impugned order dated October 4, 2016 passed in Appeal No.56 of 2015 passed by the Additional Sessions Judge, Sindhudurg is hereby set aside. The Appeal being No. 56 of 2015 shall stand restored to the Court before whom the parties have agreed to appear on 26th March, 2018. The said Appellate Court shall make every endeavor to decide the appeal on merits and in accordance with law within a period of 10 weeks thereafter.

3. Writ petition is disposed of in the aforesaid terms. In view of the disposal of the writ petition, nothing survives in the Criminal Application. Criminal application No. 506 of 2017 is also disposed of accordingly.

[NITIN W. SAMBRE, J.]