

Sarnobat

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

CRIMINAL REVISION APPLICATION NO. 651 OF 2017

Dr. Binoj Thomas Manjaly & Ors.

.. Appellants.

Vs.

State of Maharashtra & Anr.

.. Respondents

Mr. R. Sathyanarayanan a/w M. S. Roy i/b M. R. thakker for the Applicants.

Mr. A. S. Khandeparkar a/w Shilpa Joshi for the Respondent No.2.

Mr. Swapnil S. Pednekar, APP for the State.

CORAM : PRAKASH D. NAIK, J.

DATE : 22nd JANUARY, 2018.

P. C. :

1. This is an application challenging the judgment and order dated 2nd December, 2017 passed by the Learned Addl. Sessions Judge in Criminal Appeal No. 500 of 2017.

2. The proceedings under the Protection of Women From Domestic Violence Act are pending before the Court of Metropolitan Magistrate 18th Court, Girgaon, Mumbai. The applicant had challenged the interim order which was passed by the Trial Court granting maintenance to the respondent No. 2 and her son.

3. Taking into consideration the fact that the main proceedings are still pending before the Trial Court and only an interim

order was passed which is under challenge, without expressing anything on the merits of the case, it could be appropriate to expedite the hearing of the proceedings initiated by respondent No.2 under the provisions of Domestic Violence Act i.e. CC No. 1844/DV/2015.

4. Learned advocate for the applicant however, submits that there are arrears pending towards the maintenance to be paid by the applicant to respondent No.2. On instructions the learned advocate submits that the applicant would pay amount of Rs.2,00,000/- directly to respondent No.2 within one month and the balance amount of arrears within two months from today. The statement is accepted. Hence, I pass the following order;

ORDER

(I) Criminal Revision Application No. 651 of 2017 stands disposed of.

ii) The learned Metropolitan Magistrate 18th Court at Girgaon, Mumbai is directed to conclude the proceedings CC/1844/DV/2015 within a period of six months from today.

ii) The applicant shall pay an amount of Rs.2,00,000/- to respondent No. 2 within a period of one month and the balance amount within a period of two months from today directly to respondent No.2.

- iii) The respondent No. 2 shall issue receipt on receiving payment of arrears of maintenance made by the applicant.
- iv) It is clarified that this court has not expressed anything on the merits of the case and the Trial Court shall deal with the proceedings in accordance with law without being influenced by interim order.
- v) It is expected that the applicant shall pay the current maintenance regularly.

[P. D. NAIK , J.]