

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APL) NO.805/2016

Prasad S/o Madanlal Shimpi

..Vs..

Sau. Shilpa W/o Prasad Shimpi and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.S. Sarda, Advocate for the applicant.

CORAM : Z.A. HAQ, J.

DATE : 27.11.2018.

By order dated 19th May, 2012 the learned Magistrate directed the present applicant (husband) to pay Rs.3,000/- per month to the present non-applicant (wife) and Rs.2,000/- per month to daughter towards interim maintenance. The learned Magistrate had further directed the applicant to pay Rs.2,000/- per month towards rent and Rs.1,00,000/- to the present non-applicant towards compensation.

The present applicant had filed appeal before the Sessions Court under Section 29 of the Protection of Women from Domestic Violence Act, 2005 against the above order. There was delay of three years and 18 days in filing the appeal and, therefore, an application praying for condonation of delay was also filed. By the impugned order, the learned Sessions Judge has rejected the application praying for condonation of delay.

Apart from the fact that the present applicant has not shown sufficient cause to condone the inordinate

delay of three years and 18 days in filing the appeal, I find that the order passed by the learned Magistrate directing the present applicant to pay interim maintenance to his wife and minor daughter cannot be said to be unjustified. It cannot be said that interference by this Court under Section 482 of the Code of Criminal Procedure is necessitated. The criminal application is **dismissed**. In the circumstances, the parties to bear their own costs.

JUDGE

Tambaskar.