

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

**CRIMINAL REVISION APPLICATION NO.58 OF 2019
with
CRIMINAL APPLICATION NO.77 OF 2019
IN
CRIMINAL REVISION APPLICATION NO.58 OF 2019**

Amit Hasmukh Dedhia & Anr. ... Applicants

Vs.

Mrs.Jinal Amit Dedhia & anr. ... Respondents

Mr.C.A. Malgaonkar with S.Manamia i/b Chirag Shah & Co. for the Applicants

Mr.A.N. Shaikh for Resp. No.1

Ms.Veera Shinde, APP, for the Respondent – State

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: MARCH 7, 2019

P.C.:

1. The Revision application is moved challenging the order dated 26.10.2017 passed below exhibit C6 in CC No.302/EDV/2016 by the learned Metropolitan Magistrate, 10th Court, Andheri, Mumbai, in C.C. No.302/DV/2016 directing the applicant to pay interim maintainance of Rs.10,000/- per month since filing of the application, which was filed in December, 2016 and also not to commit any act of domestic violence against the

original applicant. The said order was confirmed by the Sessions Court vide judgement and order dated 5.1.2019 by the learned Additional Sessions Judge, City Civil and Sessions Court, Mumbai in Criminal Appeal No.232 of 2018.

2. Heard submissions. Considered the impugned orders including the order of payment of interim maintainance in the application under the Protection of Women from Domestic Violence Act, which is pending before the learned Magistrate. The husband is 33 years old and the original complainant i.e., the wife, is residing with her father, and not working.

3. In view of the facts and circumstances, I am of the view that the main DV application i.e., C.C. No.302/DV/2016 is to be heard by giving an opportunity to the parties to tender evidence. Therefore, the Revision application and the Criminal Application are disposed of with the following order:

- i) The applicant/husband shall deposit in the trial Court a sum of Rs.50,000/- within two weeks from today i.e., on or before 22.3.2019 and thereafter a further sum of Rs.50,000/- on or before 20.4.2019.

ii) Thereafter, the applicant/husband shall go on paying an amount of Rs.8,000/- per month from March 2019 to the wife by way of an interim stop gap arrangement, till the decision on the main DV application. The amount of Rs.8,000/- shall be directly paid into the Bank account of the Respondent / wife on or before 10th of every month.

iii) The main DV application is hereby expedited and shall be decided on or before 28.2.2020.

4. The Revision Application and the Criminal Application stand disposed of accordingly.

(MRIDULA BHATKAR, J.)