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

REVISION APPLICATION NO. 357 OF 2018

Faisal Shamim Ahmed Shaikh

..Applicant

Vs

Hanifa Faisal Shaikh & Ors.

..Respondents

Ms. Shraddha Khandhadia I/b A.K. Upadhyay for the Applicant.
Ms. J.S. Lohokare, APP for the State.

**CORAM : A.S. GADKARI, J.
DATE : 10th July 2019.**

P.C.:

1] By the present Revision under Section 397 of Cr.P.C., the applicant/husband has impugned Order dated 3rd May 2019 passed by the learned Additional Sessions Judge, City Civil And Sessions Court, Mumbai in Criminal Appeal No.274 of 2018 (CNR No.MMCC02-005762-2018), dismissing the said appeal and confirming the interlocutory Order dated 6.4.2018 passed by the learned Metropolitan Magistrate, 57th Court, Kurla, Mumbai in Case No.10/DV/2017.

2] Heard the learned counsel for the applicant and the learned APP for the State. Perused the record.

3] The record indicates that, the respondent No.1/wife has filed the aforestated Case No.10/DV/2017 under Section 12 of The Protection of Women from Domestic Violence Act, 2005 (for short “D.V. Act”) in the Court of Metropolitan Magistrate, 57th Court, Kurla, Mumbai for various reliefs including the relief of grant of maintenance. The learned Metropolitan Magistrate by its impugned Order dated 6.4.2018 passed under section 23 of the D.V. Act was pleased to grant interim maintenance of Rs.7000/- per month in favour of respondent No.1. The said Oder was confirmed by the learned Additional Sessions Judge, Mumbai by its Order dated 3.5.2019.

4] By now it is the settled position of law that, at the time of deciding an application under Section 23 of the D.V. Act, a detailed analysis of evidence is not necessary, as an Order under Section 23 is an interim measure pending the hearing of main application filed under Sections 12, 18 or 19 of the D.V. Act. The contention of the learned counsel for the applicant that, the applicant is unable to pay Rs.7000/- per month towards maintenance to the respondent No.1 has to be proved by him by leading cogent evidence in that behalf before the concerned Court before whom the application under section 12 of the D.V. Act, is pending for final

adjudication.

5] The Order passed by the learned Metropolitan Magistrate dated 6.4.2018 is an interlocutory Order. After perusing the Orders passed by the Courts below, this Court is of the view that, the said Courts have not committed any error either in law or on facts while passing impugned Orders.

The Revision application is according rejected.

(A.S.GADKARI, J.)