

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.3468 OF 2019

NANDA @ NANDABAI BABAN BAGVE)...PETITIONER

V/s.

BABAN PANDURANG BAGVE AND ORS.)...RESPONDENTS

Mr.D.D.Ranaware, Advocate for the Petitioner.

Mr.A.R.Kapadnis, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 7th OCTOBER 2019

PC :

1 By this petition, the petitioner/aggrieved person is challenging the order dated 18th April 2019 passed by the learned Additional Sessions Judge, Karad, thereby staying the order dated 16th November 2017 passed by the learned Judicial Magistrate First Class, Karad, awarding maintenance of Rs.3,000/- per month to her apart from costs of proceeding quantified at Rs.1,000/-.

2 The order awarding maintenance to the petitioner under Protection of Women from Domestic Violence Act came to be challenged by respondent nos.1 and 2 before the Sessions court, Karad. Similarly, the petitioner/aggrieved person also preferred an appeal before the learned Additional Sessions Judge, Karad, being dissatisfied by the order allowing her application partly.

3 It is seen that the learned Additional Sessions Judge, on 18th April 2019, after hearing both the parties, was pleased to stay the order passed by the learned Judicial Magistrate First Class, Karad, granting maintenance to the petitioner till disposal of the appeal.

4 Heard the learned counsel appearing for the petitioner. He argued that the order of maintenance cannot be stayed by the learned Appellate court and that too, without assigning any reasons for the same. Prima facie, the contention so advanced, seems to be correct because the learned Appellate court has not

assigned any reasons for staying the order of maintenance except referring to the decision cited by the learned counsel for the respondent nos.1 and 2.

5 Be that as it may, as the petition is challenging the appellate order passed by the learned Additional Sessions Judge and as the appeal filed by both the parties are still pending, interest of justice would be served, if the appeals are directed to be decided in a time bound manner. Therefore, the order :

ORDER

- i) The writ petition is disposed off with direction to the learned Addl.Sessions Judge to decide the Criminal Appeals bearing Nos.32 of 2018 and 9 of 2019 filed by the parties and pending on his file, within the period of one months from the date of communication of this order.

- ii) The writ petition, accordingly, stands disposed off.

(A. M. BADAR, J.)