

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL WRIT PETITION NO. 643 OF 2020

Sau. Seema W/o Nitin Sayam,
Aged about 36 years, Occu. - Housewife,
R/o. 143, Aadiwasi colony,
Tukdoji Putla Chowk,
Manewada Road, Nagpur-440027.

.... **PETITIONER**

// VERSUS //

- 1) The State of Maharashtra,
Through Commissioner of Police,
Nagpur.
- 2) Police Inspector,
Police Station Ajni,
Tahsil and District Nagpur.
- 3) Shri. Nitin Vinayak Sayam,
Aged about 45 years,
Occu.- Private.
- 4) Smt. Meerabai Vinyak Sayam,
Aged about 69 years,
Occu.- Household,
- 5) Shri. Sachin Vinyak Sayam,
Aged about 43 years,
Occu.- Private Service,
Res. 3 to 5 R/o. Akulkar Society,
Near Princess Lawn,
Narsala Road, 440034.
- 6) Smt. Mamta Vinyak Sayam (Salame)
Aged about 34 years,
Occu.- Household,
R/o. Deshpande Layout,
Nalwadi, Wardha.

- 7) Smt. Sarita Ishwar Kumbhare,
Aged about 30 years,
Occu.- Household,
R/o. Plot No.72, Gajanan Nagar,
Manewada Ring Road, Nagpur.
- 8) Sau. Sangita Manohar Tekam,
Aged about 32 years., Occu.-Household,
R/o. Akulkar Society,
Near Princess Lawn,
Narsala Road, 440034.
- 9) Dr. Kishor Gangaramji Dube,
Aged about 64 years., Occu.-Retired
- 10) Dr. Sanket Kishor Dube,
Aged about 34 years, Occu.- Doctor,
Res. 9 and 10 R/o. Qtr No.6/8
96/A, Sugar Care Clinic,
Opposite Super Specialty Hospital,
Vishwakarma Nagar,
Nagpur – 24.

.... **RESPONDENTS**

Shri Y. B. Mandpe, counsel for the petitioners.
Shri S. M. Ukey, Addl.PP. for the respondent Nos.1 and 2.

**CORAM : SUNIL B. SHUKRE AND
AVINASH G. GHAROTE, JJ.**

DATED : 22nd December, 2020

ORAL JUDGMENT : (Per : SUNIL B. SHUKRE, J.)

1. Heard. **Rule.** Rule made returnable forthwith.
2. Heard finally by consent of the learned counsel appearing for the parties.

3. This petition has been filed only because, the petitioner believes that her application filed under provisions of the Protection of Women from Domestic Violence Act, 2005 (for short the “D.V. Act, 2005”) and also application for grant of interim protection filed under Section 19 of the D.V. Act 2005, are not being taken up for hearing and being dealt with appropriately by the Court of concerned Judicial Magistrate, First Class having jurisdiction over the matter. Copies of both the applications have been filed along with the petition and they indicate that these proceedings are pending before the Court of Judicial Magistrate, First Class and Special Domestic Violence Court, Nagpur. In these circumstances, purposes of this petition shall be served if appropriate directions are issued to the concerned Magistrate.

4. In the result, following directions are issued :

(i) It is directed that the Misc. Criminal Application No.496 of 2010 shall be heard and decided in accordance with law within a period of two months from the date of the order.

(ii) It is further directed that application filed under Section 19 of the D.V. Act, 2005 shall be taken up on board for hearing after giving due opportunity of presenting their respective cases to

the both sides and they shall be decided as expeditiously as possible and in any case within the two weeks from the date of the order.

Rule accordingly. No costs.

(AVINASH G. GHAROTE, J.)

(SUNIL B. SHUKRE J.)

Kirtak