

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1697 of 2019

1. Lakhanlal Sahu S/o Ledga Sahu Aged About 65 Years R/o Village Tarenga, Police Station/ Tahsil Bhatapara, District Balodabazar - Bhatapara Chhattisgarh.
2. Kuleshwar Sahu S/o Lakhanlal Sahu Aged About 45 Years R/o Village Tarenga, Police Station/ Tahsil Bhatapara, District Balodabazar - Bhatapara Chhattisgarh.
3. Deocharan Sahu S/o Lakhanlal Sahu Aged About 35 Years R/o Village Tarenga, Police Station/ Tahsil Bhatapara, District Balodabazar - Bhatapara Chhattisgarh.
4. Rahi W/o Lakhan Lal Sahu Aged About 60 Years R/o Village Tarenga, Police Station/ Tahsil Bhatapara, District Balodabazar - Bhatapara Chhattisgarh.

---- Petitioners

Versus

1. Sonmati Sahu W/o Tripatinarayan @ Tirpat Aged About 32 Years R/o Village Tarenga, Police Station And Tahsil Bhatapara, District Balodabazar - Bhatapara Chhattisgarh.
2. Minor Taruna Sahu D/o Tirpatinarayan @ Tirpat Aged About 16 Years R/o Village Tarenga, Police Station And Tahsil Bhatapara, District Balodabazar - Bhatapara Chhattisgarh.

---- Respondents

For Petitioners : Shri B. Madhava Rao, Advocate

For Respondents : Shri Rajat Agrawal, Advocate

Hon'ble Shri Justice Narendra Kumar Vyas

Order on Board

21.06.2021

1. Learned counsel for the petitioners would submit that they have filed Cr.M.P. under Section 482 of the Cr.P.C. for quashment of order dated 16.05.2019 passed by the learned Additional Sessions Judge, Bhatapara in Criminal Appeal No. H-35/2018 as well as order dated 25.07.2018 passed by the learned Judicial Magistrate First Class, Bhatapara in Misc. Criminal Case No. 72/2017 by which learned trial Court has granted Rs. 2000/- per month as interim maintenance; Rs. 1000/- to respondent wife

Sonmati and Rs. 1000/- to respondent minor daughter Taruna as per the Protection of Women from Domestic Violence Act, 2005.

2. Learned counsel for the petitioners would submit that as per the provisions of the Act, the case should be decided within 60 days but even after lapse of three years there is no effective progress in the matter and would submit that the impugned order therefore is liable to be quashed.
3. Learned counsel for the respondent would submit that there is interim order therefore the present Cr.M.P. is not maintainable.
4. Learned counsel for the petitioner would submit that since as per the provisions of the Act the matter has to be decided within 60 days, it will be in the interest of justice to give specific directions to Judicial Magistrate First Class, Bhatapara, District Balodabazar to decide the Misc. Criminal Case No. 72/2017 within the time period fixed by this Court.
5. On the other hand learned counsel for the respondents would submit that the amount as per the interim order granted by the learned Trial Court for maintenance which was confirmed by the learned Appellate Court has not been paid till to date.
6. In view of the factual matrix of the case, the learned Trial Court is directed to decide the case within six months from the date the normal functioning of the Trial Court is restored in the State of Chhattisgarh. It is worthwhile to mention here that due to ongoing COVID-19 pandemic functioning of the Trial Courts are adversely affected.
7. It is further directed that petitioner shall pay the entire amount as ordered by the Trial Court in Misc. Criminal Case No. 72/2017 to respondents No. 1 and 2, thereafter, the proceedings of the Trial Court will be started.
8. Learned counsel for the petitioners further submitted that they have already paid some amount to respondents No. 1 and 2 in pursuance of the directions issued by the learned Judicial Magistrate First Class in the intervening period.
9. It is directed that if any amount has paid by the petitioners, the same shall be adjusted by the petitioners towards interim maintenance as directed by the learned Judicial Magistrate First

Class in Misc. Criminal Case No. 72/2017.

10. With these directions, the Cr.M.P. is finally disposed off.

**Sd-
(Narendra Kumar Vyas)
Judge**

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