

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

**Criminal Application (APPR) No.373/2019
Chandrashekhar Wankhede V Smt. Vandana Wankhede and another**

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mrs Aarti Singh, Advocate for Applicant.

Shri R.D. Bhuihar, Advocate for resp. nos. 1 and 2.

**CORAM : V.M. DESHPANDE, J.
DATED : 11 MARCH 2021**

Heard Mrs. Aarti Singh, the learned Counsel of the applicant and Shri R.D. Bhuihar, the learned Counsel for the non-applicant nos. 1 and 2.

2. This is an application for condonation of delay in preferring Criminal Revision. There is a delay in approaching to this Court and according to the applicant, there is a delay of 305 days.

3. The applicant is the husband and father of non-applicant no.2. The non-applicant no.1 filed proceedings under Section 12 of the Protection of Women from Domestic Violence Act, 2005, which was

registered against the applicant. The proceedings were registered as Other Misc. Criminal Application No.22/2014. After the contest, the learned Judicial Magistrate First Class, Ralegaon, allowed the application in part. Apart from the relief, the learned Magistrate directed the applicant that he shall pay Rs. 1000/- each to the applicants before the said Court from the date of the application.

4. The said order was challenged by the non applicants by filing the statutory appeal i.e Criminal Appeal No.55/2015 before the Sessions Judge, Yavatmal and the learned Additional Sessions Judge, Yavatmal, partly allowed the appeal and directed that the wife shall be entitled to Rs. 3500/- per month instead of Rs. 1000/- and the daughter will be entitled for Rs.3000/- instead of Rs. 1000/-. This order is challenged in the Revision before this Court.

5. The notices on the application for condonation of delay were issued.

6. On 04-03-2021, the learned Counsel for the applicant sought one week time to make a statement as to how much amount he will be depositing in the Court.

7. Today, Mrs. Aarti Singh, the learned Counsel submits that presently the applicant will be depositing Rs. 94,000/-(rupees ninety four thousand only) in this Court. She submits that the applicant be permitted to deposit Rs. 94,000/- (rupees ninety four thousand only) by Demand Draft with the Registry of this Court. The applicant is permitted to deposit Rs. 94,000/-(rupees ninety four thousand only) by way of Demand Draft before this Court within a period of one week from today. After depositing an amount of Rs. 94,000/-, the applicant to clear the part of the arrears of maintenance.

8. Since there is no affidavit opposing the application for condonation of delay, I pass the following order :-

ORDER

(a) The application is allowed.

(b) The delay in filing the Revision is hereby condoned on a condition that the applicant to deposit Rs. 94,000/-(rupees ninety four thousand only) before this Court within a period of one week.

(c) After depositing the amount by the applicant before this Court, the non-applicant no.1 is permitted to withdraw the same immediately.

(d) If the amount is not deposited within a period of one week, it shall be presumed that delay is not condoned and the application as well as Revision shall stand dismissed without further reference to this Court.

JUDGE