

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

CRIMINAL REVISION NO. 307/2019

Archana Sunil Deshbratar and others...Versus...Sunil Bhaurao Deshbratar

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

Court's or Judge's orders

Mr. S.S.Bhalerao, Advocate for the applicants
Mrs. S.D.Paul, Advocate for Respondent

CORAM : AVINASH G. GHAROTE, J.

DATE : 21/01/2022

1] Hearing was conducted through Video Conferencing and the learned counsel agreed that the audio and visual quality was proper.

2] Heard Mr. Bhalerao, learned counsel for the applicant and Mrs. Paul, learned counsel for the respondent.

3] The only ground raised is recorded in para 2 of the order dated 20.1.2022. It is an admitted position that the separation was on 20.5.2013 and the applicant approached the learned JMFC under Section 125 of Cr.P.C. on 13.6.2013 i.e. within a period of 24 days from the date of separation. It is thus apparent that the question of grant of maintenance was within the domain of the Court within a few days of the separation, considering which the plea which is sought to be raised that there was an economic deprivation for a period of

25 days and therefore, domestic violence as contemplated in Section 3 of the Domestic Violence Act, in my considered opinion would not be sustainable, as the applicant having already approached the Court for grant of maintenance, it was for the Court to pass appropriate orders upon the application for interim maintenance, if any.

4] The period of 25 days is too small a period to apply the rigor of Section 3 *Explanation I (iv) (a)* to hold that the respondent had indulged into economic abuse, resulting in domestic violence. Since no other ground has been urged, I do not see any merit in the revision, the revision is accordingly dismissed.

JUDGE

Rvjalit