

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 1433 OF 2022

SACHIN NARHARI DUSANE

VERSUS

VIRAJ SACHIN DUSANE MINOR THROUGH HIS MOTHER ANKITA W/O.

SACHIN DUSANE

...

Advocate for Petitioner : Mr. Biradar R.D.

Advocate for Respondent : Mr. Garud N.C.

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**CORAM : KISHORE C. SANT, J.**

**DATE : 5<sup>th</sup> APRIL 2023.**

**Per Court :**

1. After hearing the parties, it is seen that while preferring the Revision Application, there was a delay of 190 days in filing the Revision Application for condonation of delay came to be rejected. The said order is under challenge in this petition. In the Revision Application, a challenge is sought to be raised to have order passed by the learned Judicial Magistrate First Class, Court No.7, Ahmednagar dated 27.07.2016. Whereby the petitioner who is father of respondent is directed to pay an amount of Rs.4000/- per month.

2. During the course of argument, it is informed that the petitioner is in arrears of amount of Rs.2,26,000/- as per the calculation of Rs.4000/- per month. However it would be in the interest of justice to condone the delay only if the petitioner shows his bonafide by depositing Rs.1,000,00/- in the Sessions Court. Subject to deposit of Rs.1,000,00/-, the delay would be condoned. Hence the following order.

### **ORDER**

- (i) The Writ Petition stands allowed.
- (ii) The impugned order dated 04.04.2022 passed by the learned Additional Sessions Court, Ahmednagar in Criminal Miscellaneous Application No.62/2017 is quashed and set aside. The said Miscellaneous Application will be disposed off subject to deposit Rs.1,000,00/- in the Sessions Court towards arrears within four weeks from today and continue to deposit Rs.2000/- per month as per the interim order passed by the learned Sessions Court.
- (iii) With this, the Writ Petition is disposed off.

[ KISHORE C. SANT, J.]

*Najeeb.*