

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

CRIMINAL WRIT PETITION NO.1850 OF 2022

SAYYAD LALA S/O. SAYYAD MAYODDIN
VERSUS
SHABANA W/O. SAYYAD LALA AND ANOTHER

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Advocate for Petitioner : Ms. P. P. Wangikar h/f Mr. R.
V. Gore

APP for Respondents: Mr. S. A. Deshmukh

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CORAM : R.M. JOSHI, J

DATE : JULY 06, 2023

PER COURT :

1. This Petition takes exception to the order dated 18th November, 2022 passed by the learned Additional Sessions Judge, Ambad in Criminal M.A. No. 31/2021, which was filed for condonation of delay of 8 months and 3 days in filing criminal revision application against order dated 04.12.2018 passed by learned JMFC, Ambad in Criminal M.A. No. 447/2014 granting maintenance of Rs. 2,500/- to the Respondent under the provisions of Section 125 of Cr.P.C.

2. Learned Counsel for the Petitioner states that the since the proceedings was decided ex-parte by learned JMFC, the order passed by the said Court was

not within the knowledge of the Petitioner. It is stated that in the interest of justice learned Additional Sessions Judge ought to have entertained the criminal revision and should have decided it on merits.

3. Learned Counsel for Respondents opposed the Petition.

4. Perusal of the order dated 04th December, 2018 passed by learned JMFC in Criminal M.A. No. 447/2014 shows that the Petitioner herein was duly served with the notice of the said proceedings and in spite of the same, he chose not to remain present. Pertinently, even in application of the condonation of delay there is no specific plea as to when he came to now about the said order.

5. No doubt, the Courts are required to be liberal while condoning delay caused in preferring in proceedings, however, that does not mean that in absence of making out any case for condonation of delay, said delay can be condoned casually. Here in this case, the Petitioner is directed to pay maintenance Rs. 2,500/- per month from 2018 and in

spite of lapse of five years not a single farthing is paid by the Petitioner to the Respondent. This coupled with the fact that there is no justification for condonation of delay, no perversity can be found in passing of the impugned order. Hence, the Petition stands dismissed.

(R.M. JOSHI, J.)

Malani