

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 2281 OF 2023
IN
CRIMINAL REVISION APPLICATION NO. 67 OF 2023**

Pushpanjali Balasaheb Shinde.

..Applicant.
(Original Respondent)

In the matter between:

Balasaheb Mahadeo Shinde

..Applicant

Versus

Pushpanjali Balasaheb Shinde & Anr.

..Respondents

Mr. Amol B. Jagtap for Applicant.

Ms. Anita Yogesh Murgude i/b. Sonali Humane for Respondent No.1.

Mr. Arfan Sait, APP for State/Respondent No.2.

CORAM : SARANG V. KOTWAL, J.

DATE : 11 JULY 2023

PC :

1. This praecipe is moved by learned counsel for the original revisional applicant Balasaheb Mahadeo Shinde in respect of Clause No. (iii) of the operative part of the order dated 28/06/2023 passed in Interim Application No.2281 of 2023 in Criminal Revision Application No.67 of 2023. The original proceedings are filed by Pushpanjali Shinde under the Protection

of Women from Domestic Violence Act. Learned Counsel Shri. Jagtap represents her husband Balasaheb. The matter arises out of those proceedings pending before the J.M.F.C. Mangalwedha, District Solapur vide Criminal M.A.No.191 of 2019.

2. Learned Magistrate had passed an interim order in the main proceedings under the Protection of Women from Domestic Violence Act. That order was challenged by the husband before the Additional Sessions Judge, Pandharpur vide Criminal Appeal No.18 of 2021. In that Appeal certain directions were given and order of the learned Magistrate was modified. The husband was directed to make the payment as per the chart mentioned in the operative part of the Appellate order. The Clause 1(b)iv mentioned that from January 2022 onwards the husband shall pay Rs.25000/- p.m. till the final disposal of the Criminal M.A.No.191 of 2019 pending before the Trial Court. This order was challenged by the husband by way of this Criminal Revision Application No.67 of 2023. On 14/03/2023, this Court (Coram: Amit Borkar, J.) had granted ad-interim relief in terms of prayer clause (c) which reads as follows:

“c) Pending the hearing and final disposal of the present Application the execution of the impugned judgment dated 04/01/2023 passed by the Ld. Sessions Court, Pandharpur in Criminal Appeal No.18 of 2021 be stayed/suspended.”

3. After that, the wife preferred an Interim Application No.2281 of 2023 for withdrawal of the amount which the husband had deposited by way of arrears. While considering that application, I had passed an order on 28/06/2023. The operative part of the order dated 28/06/2023 reads thus:

- “(i) The Applicant is permitted to withdraw the amount of Rs.4,50,000/- which the original Applicant in Criminal Revision Application No.67 of 2023 has deposited in this Court.
- (ii) This withdrawal is subject to the final outcome of the Criminal Revision Application No.67 of 2023.
- (iii) Till the Revision Application is decided, the original Applicant Balasaheb shall continue making payment as per the directions of the Sessions Court.
- (iv) With these observations, the Interim Application is disposed of.
- (v) The Criminal Writ Petition (ST) No.10889 of 2023 to be tagged along with the Criminal Revision Application No.67 of 2023.
- (vi) The Criminal Revision Application be placed on board for further consideration on 03/08/2023.
- (vii) Ad-interim relief, if any, to continue till then.”

4. Learned counsel for the husband has sought clarification to Clause (iii) of the said order. His praecipe mentions that, Clause Number (iii) was deleted, but the same is reflected in the order. This statement is absolutely incorrect. The order was dictated in the Court. That particular clause was dictated in the order with a purpose that the wife gets benefit of interim maintenance till the Revision Application is decided. Therefore, there is no necessity to change the order dated 28/06/2023.

5. In any case, the matter was directed to be listed on board on 03/08/2023. The last clause of the operative part of the said order mentions, “Ad-interim relief, if any, to continue till then”. This clause was also inserted at the instance of learned counsel for the husband. However, since there was no ad-interim relief granted earlier in the Interim Application No.2281 of 2023, there is no question of continuation of any ad-interim relief, as far as, this interim application is concerned.

6. Just for clarification, it needs to be mentioned that, the ad-interim relief was operating till 28/06/2023 because of the

order dated 14/03/2023 passed in Criminal Revision Application No.67 of 2023. The said order being an ad-interim order, it was subject to further modification when the matters were heard next. It is only a question of paying maintenance as per the Sessions Court's order till the Revision Application is decided. Therefore, I do not see any reason to make any changes in the order dated 28/06/2023.

7. The Criminal Revision Application No.67 of 2023 shall now be listed as directed earlier on 03/08/2023 for further consideration.

(SARANG V. KOTWAL, J.)