

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3463 OF 2022**

Shri. Vijay Prallhad Mane
v/s.

... Petitioner

Mrs. Ranjana Vijay Mane and ors.

.... Respondents

Mr. Anand Patil a/w. Mr. Sandip Kagade for the Petitioner.

Mr. Arfan Sait, APP for the State.

Ms. Kavita Shinde for Respondent No.2.

CORAM: R.G. AVACHAT, J.

DATED : 25th JANUARY, 2023.

P. C. :-

. Heard learned counsel for the respective parties.

2. The Petitioner/husband takes exception to the order dated 26/09/2019 passed by the learned Additional Sessions Judge, Karad in Criminal Revision Application No.9/2013.

3. Vide impugned order, the learned Additional Sessions Judge has allowed the Revision Application and remanded the matter (application under section 125 of Cr.P.C.) back to the Court of Judicial Magistrate, First Class, Karad with a direction to expeditiously decide the Application for maintenance afresh after giving the parties full opportunity of hearing.

4. Learned counsel for the Petitioner submits that the Revisional

Court cannot pass such an order. The scope of revision is very limited. He refers to Section 397 of Cr.P.C. Learned counsel for the Petitioner also invited my attention to paragraph 19 of the impugned order to suggest that the Respondent-wife had moved an Application for leading evidence way back in May, 2012. It is after seven years she is allowed to lead evidence whereby she is likely to fill up lacuna in the proceedings and the same would prejudicially affect the Petitioner in his defence.

5. After having considered the submissions made by the learned counsel for the Petitioner, the Court is not inclined to allow the same. The impugned order dates back to September, 2019. The same is taken exception by filing the present Writ Petition. The proceedings for grant of maintenance has been initiated by wife and her son. The Petitioner-husband disputes the marital relationship and paternity of the child. This is all a matter of evidence to be considered by the learned Magistrate on appreciation of the evidence that may be led by the parties to the Application.

6. Since it is a claim for maintenance and order is being challenged about three years thereafter, the Petition is dismissed.

(R.G. AVACHAT, J.)