

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

CRIMINAL WRIT PETITION NO.2554 OF 2023

Ekta Sharma Donde ... Petitioner

V/s.

The State of Maharashtra and Anr. ... Respondents

Ms. Megha Pathak h/f Ms. Swapna Kode, Advocate for the
Petitioner.

Mrs. M. R. Tidke, APP for the State/ Respondents. No.1.

Ms. Yogita Konojiya, a/w Mr. Ashish Dubey, Advocate for
Respondents No.2.

CORAM : RAJESH S. PATIL, J.

DATED : 27 OCTOBER 2023

P.C.:

1. This writ petition is filed under Article 226 of the Constitution of India, thereby seeking expeditious hearing of Criminal Appeal No.108 of 2022, which is pending before the 9th Sessions Court at Dindoshi, Mumbai.

2. Ms. Megha Pathak appearing for the Petitioner states that the order of Metropolitan Magistrate deserves to be set aside as it is passed hurriedly without considering the material on record and it is based on untrue facts therefore, the Appeal filed against the order passed with the Sessions Court is required to be heard expeditiously, and possibly within four weeks. She further added

that the learned Metropolitan Magistrate has not considered the serious allegations made without considering the factual situation, which has caused in justice to the present Petitioner and if the Appeal is not heard by the Sessions Court expeditiously the Petitioner will further suffer irreparable harm. She further added that the quantum of maintenance fixed at Rs.7,000/- per month is much less, as the Petitioner is not working. She further submitted that there is no source of income and the Petitioner has to also submitted that minor daughter is in forcible custody of the father. Even the husband is not providing her with basic necessities and medical expenses. She further added that in the city of Mumbai, maintenance amount of Rs.7,000/- is below par and no person can survive in the city with such low amount.

3. Heard. I have considered submissions made in the writ petition, no case is made out to direct the Sessions Court to expedite the hearing of the criminal Appeal, which is filed in the year 2022.

4. Hence, Writ Petition is dismissed. No cost.

(RAJESH S. PATIL, J.)