

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

REVISION APPLICATION NO.398 OF 2023

Sunanda Sukhdev Handore

... Applicant

Versus

Sukhdev Bhaurao Handore

... Respondents

Mr. Sarjerao Patil for the Applicant.

Mr. Santosh G. Shirsat for Respondent No.1.

Mrs. M. R. Tidke, APP for the State.

CORAM : RAJESH S. PATIL, J.

DATED : 7 DECEMBER 2023

P.C.:

1. This Criminal Revision Application challenges the impugned judgment and order dated 18 March 2021 passed by the Judicial Magistrate First Class, Igatpuri in order below exhibit-05, being an application for interim maintenance, filed under Section 23 of the D.V. Act.

2. Mr. Shirsath, learned counsel for the Respondent No.1 has raised objection about maintainability of the present Criminal Revision Application filed under Section 401 of the Cr.P.C.

3. Mr. Shirsath learned counsel for the Respondent No.1 also referred to judgment of this Court in Abhijit Auti V/s. State of Maharashtra reported in 2009 All MRI (1005). Mr. Shirsath submits that in the judgment of Abhijit Auti this Court has clarified that the provision of Section 29 of the D. V. Act. The said judgment

has held that an appeal under Section 29 is maintainable against an order passed under Section 23 of the D. V. Act.

4. Learned counsel for the Applicant, on instructions, of his client now seeks liberty to withdraw this Application, and to file an Appeal under Section 29 before Sessions Court at Nashik. Liberty as prayed for, is granted. Four weeks time is granted to file Appeal before the Sessions Court at Nashik.

5. Learned counsel for Respondent No.1, on instructions, clearly states that if the Appeal under Section 29 is filed within a period of four weeks from today, his client will not raise an objection on the account of limitation.

6. Criminal Revision Application is accordingly disposed of.

7. All parties to act on authenticated copy of this order.

(RAJESH S. PATIL, J.)