



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 492 OF 2025

Shivkumar s/o Yadavrao Bachewar,
Age : 39 years, Occu : Business,
R/o. At Jamdari, Post Sonari,
Tq. Bhokar, Dist. Nanded

...PETITIONER

VERSUS

1. The State of Maharashtra,
Through Police Station Umari,
Tq. Umari, Dist. Nanded.
2. Priyanka w/o Shivkumar Bachewar,
Age : 33 years, Occu : Teacher and Coaching,
R/o. At Post. Beldara, Tq. Umri.
Dist. Nanded.

...RESPONDENTS

WITH
CRIMINAL APPLICATION NO. 4349 OF 2025
IN
CRIMINAL WRIT PETITION NO. 492 OF 2025

Mr. Mewara Rajesh Hazarilal, Advocate for the Petitioner.
Mr. K. S. Patil, APP for Respondent – State.
Mr. Sakshi Ajit Kale a/w Mr. Krishna G. Narwade, Advocate for Resp. No.2.

CORAM : ABHAY J. MANTRI, J.
DATE : NOVEMBER 21, 2025

JUDGMENT :

1. Heard. **Rule.** Rule is made returnable forthwith and heard finally with the consent of the parties, at length, at the admission stage.
2. It is pertinent to note that, although by this petition, the petitioner is challenging the various orders mentioned in prayer clauses (b),

(d), and (f), he failed to challenge the order dated 19th April 2023, passed by the learned Additional Sessions Judge, Bhokar, in PWDVA Appeal No.16 of 2022. During the course of arguments, the learned counsel for the petitioner sought leave to amend the prayer clause to include a challenge to the said order dated 19th April 2023, below Exhibit 1, in PWDVA Appeal No. 16 of 2022. Considering his request and upon perusal of the record, leave is granted. The petitioner is directed to carry out the amendment forthwith.

3. By this petition, the petitioner is challenging various orders as mentioned in prayer clauses (b), (d) and (f) of the prayer clauses, and an additional prayer clause as permitted to amend, which reads as follows:

“B. To quash and set aside the order dated 27.12.2024, below Exh. 13 in Criminal Revision Application No.16 of 2024, passed by the learned Additional Sessions Judge, Bhokar.

D. To quash and set aside the order dated 20.04.2023, 04.05.2023, 05.06.2023, 04.07.2023, and 07.08.2023, passed in Execution Application bearing No.03 of 2023 filed under Section 125 (3) of the IPC before the learned J.M.F.C., Umri.

F To quash and set aside the order dated 15.02.2023 passed in PWDVA No.15 of 2022 filed under Section 12 of the DV Act, before the learned J.M.F.C., Umri.”

4. The learned counsel for the petitioner has challenged various orders in the petition; however, he submitted that the petitioner wishes to

withdraw the prayer clause (b). His statement is accepted. In view of the statement, prayer clause (b) is rejected as withdrawn. Similarly, he submitted that the orders mentioned in prayer clause (d) have become infructuous. His statement is accepted. Accordingly, the prayer clause (d) is held as infructuous.

5. He further submitted that, if the appeal is restored, he will challenge the order dated 15th February 2023, mentioned in prayer clause (f), before the Appellate Forum. Accordingly, he prayed that the order dated 19th April 2023, passed by the learned Additional Sessions Judge, Bhokar, without assigning any cogent reasons, be set aside and that the appeal filed by the petitioner be restored in its original position.

6. He further submitted that, without assigning any reason, the learned Magistrate has imposed compensation and directed the petitioner and his family members to pay compensation of ₹ 16 Lakhs to respondent No. 2. Accordingly, he urged that the said order be stayed till the restoration of the appeal before the learned Additional Sessions Judge. Accordingly, he prayed that the petition be allowed.

7. *Per contra*, learned counsel for respondent No.2 vehemently resisted the petition, contending that the petitioner has failed to comply with the orders passed by the learned Magistrate, as well as this Court, and is therefore not entitled to any relief. She referred to the orders passed by the learned Magistrate and this Court on 01st August 2025 and submitted

that the petitioner has not complied with the said orders; consequently, she urged for cancellation of the bail granted to him. During the course of the arguments, she also tendered the order dated 14th November 2025, passed by the learned Magistrate, as Exhibits 1 and 36 in PWDVA Appeal No. 03 of 2023. She submitted that, by the said order, the learned Magistrate directed the petitioner to comply with this Court's order within 10 days. Accordingly, she urged that the petitioner be directed to deposit the entire arrears of maintenance amount in the Court.

8. On being queried as to the recording of reasons for imposing compensation and directing the petitioner and his family members to pay compensation of ₹ 16 Lakhs, she referred to paragraph Nos. 19 and 21 of the order passed by the learned Magistrate. I have perused the same; however, I do not find any substance in her contention that the learned Magistrate recorded reasons or findings for directing the petitioner and his family members to pay compensation of ₹ 16 Lakhs. The learned Magistrate merely observed that respondent No.2 had contended that the petitioner and his family members took away the gold ornaments from her person to the extent of 50 grams. On that basis, the order was passed. Prima facie, she failed to point out in the record any cogent evidence to show that the petitioner and his family members took 50 grams of gold ornaments from her. Therefore, I do not see any substance in her contention in that regard.

9. Having heard the learned counsel for the parties and perused the impugned orders and record, it appears that respondent No.2 had filed an application under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (for short the “*DV Act*”) seeking maintenance and compensation. After considering the material on record, the learned Magistrate, on 15th February 2023, passed an order directing the petitioner to pay maintenance of ₹ 14,000/- per month to respondent No.2 from the date of filing of the application and also directed the petitioner and his family members to pay compensation of ₹ 16 Lakhs to respondent No.2.

10. It further appears that the petitioner did not comply with the said order. Consequently, respondent No. 2 filed several execution proceedings, during which the petitioner was remanded to jail for non-compliance with the order. The petitioner has challenged all these orders passed in execution proceedings, along with other orders, in the present petition.

11. This Court, by an order dated 01st August 2025, released the petitioner on bail on certain terms and conditions. The petitioner was also directed to arrange payment of part of the arrears and to provide a concrete proposal for payment of the remaining arrears. However, the petitioner failed to comply with these directions until 14th November 2025, when the learned Magistrate passed an order directing the petitioner to comply.

12. The learned counsel for the petitioner, on oral instructions from his client, submitted that the petitioner will deposit an amount of ₹1,50,000/- before the Executing Court, Umari, within a period of eight (08) weeks from today. His statement on behalf of the petitioner is accepted as the petitioner's undertaking to this Court.

13. Having considered the above discussion and the facts on record, it appears that the learned Magistrate, without assigning any cogent reasons, directed the petitioner and his family members to pay compensation of ₹ 16 Lakhs. In my view, the order, to the extent of directing the petitioner to pay compensation, is liable to be stayed till the restoration of the appeal. On restoration of the appeal, the learned Additional Sessions Judge, Bhokar, shall examine the material before him and pass the appropriate order.

14. Similarly, on perusal of the order dated 19th April 2023, passed by the learned Additional Sessions Judge, it appears that the learned Judge dismissed the appeal in default for non-compliance with the order of this Court as well as the Trial Court. However, in view of the settled position of law, the above discussion, and the fact that the appellant is ready to deposit part of the arrears of maintenance, i.e. ₹ 1,50,000/-, in the court, I am of the view that one more opportunity should be granted to the petitioner to contest the appeal on its merits.

15. As a result of the above discussion, the order dated 19th April 2023, passed by the learned Additional Sessions Judge, Bhokar, is hereby quashed and set aside. The appeal bearing Appeal No.16 of 2022 before the learned Additional Sessions Judge is restored to its original file, subject to a cost of ₹ 10,000/- payable to respondent No.2. The petitioner is directed to deposit the cost before the Executing Court, Umari/Additional Sessions Court, Bhokar, within a period of eight weeks. On deposit of the cost, the appeal shall be restored to its original file; failing which, this order shall stand vacated without further reference to the Court. It is made clear that no further time will be granted.

16. As a sequel, the prayer clauses (b), (d), and (f) do not survive and are therefore dismissed as withdrawn as well as infructuous.

17. Needless to clarify that the order of the learned Magistrate directing the petitioner and his family members to pay compensation of ₹ 16 Lakhs to respondent No.2 is hereby stayed, till the restoration of the appeal. The petitioner is directed to deposit part of the arrears of maintenance, ₹ 1,50,000/-, in the Executing Court, Omari, within eight (08) weeks from today, failing which this petition shall stand dismissed without further reference to the Court. It is made clear that no further time will be granted.

18. In view of the above, the petition is disposed of. The Rule is made partly absolute in the above terms.

19. In view of the detailed order passed hereinabove, Civil Application No.4349 of 2025 doesn't survive and is hence dismissed.

(ABHAY J. MANTRI, J.)