



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 1276 OF 2023

Vitthal Suryakant Salgude

.. Petitioner

Versus

The State Of Maharashtra And Another

.. Respondents

Mr. Abhijit S. More, Advocate for the Petitioner.

Smt. M. N. Ghanekar, APP for Respondent No. 1.

Mr. Satyajit B. Pawar, Advocate h/f Mr. M. S. Bhosale, Advocate
for Respondent No. 2.

CORAM : KISHORE C. SANT, J.

DATE : 12th AUGUST, 2025.

PER COURT :-

. Heard learned advocate for the petitioner, learned A.P.P. and
learned advocate for respondent No. 2.

2. The petitioner has challenged an order passed by the
learned Additional Sessions Judge, Shrigonda thereby dismissing
the application for condonation of delay caused in filing the
revision application in default. The petitioner is the husband
against whom the wife had filed proceedings under Section 125 of
the Code of Criminal Procedure. The same was allowed directing

the petitioner to pay maintenance at the rate of Rs. 4,000/- p.m. to respondent/wife each month and Rs. 5,000/- towards expenses by order dated 03.02.2018. The petitioner challenging the said order filed a revision in the Court of learned Additional Sessions Judge, Shrigonda. Since there was delay, he filed an application for condonation of delay bearing Criminal Misc. Application No. 201/2018. The said application came to be dismissed in default.

3. The learned advocate for the petitioner invites attention to roznama of the application. It is seen that, on 03.10.2019 the petitioner and the respondent/wife were absent. The report of service of notice was awaited. The same was the position on 13.11.2019. On 02.12.2019 the learned Court issued fresh notices to the present petitioner as well as the respondent/wife. On 20.01.2020 notice was served, however, parties were absent. The matter was adjourned to 01.02.2020. On 01.02.2020 again both the parties were absent and in that view the application came to be dismissed in default. It is submitted that, revision was, in fact, filed in the Court at Ahmednagar. After filing of the application the Court of Sessions Judge came to be established at Shrigonda

and the application was transferred to that Court. It is for that reason the petitioner was initially absent for want of knowledge. After receipt of notice from Shrigonda Court, he was looking for an advocate at Shrigonda as his advocate from Ahmednagar expressed his inability to conduct the case at Shrigonda. It is because of this, he could not immediately engaged a lawyer.

4. The learned advocate for respondent No. 2 vehemently opposes the petition. He submits that, the present petitioner is very well attending the proceedings under the Domestic Violence Act initiated by the respondent. However, it is only in this case he did not appear. The explanation given is not proper and prays for rejection of the petition.

5. This Court finds that, since there is some cause shown for non attendance of the case, the petitioner cannot be blamed for not making arrangement to engage a lawyer immediately on receipt of notice. The learned Sessions Court rejected the application on the second occasion itself. Be that as it may, the interest of justice requires that the petitioner should get a fair opportunity to contest the revision. Keeping that in view this

Court is allowing the petition.

6. An order dated 01.02.2020 dismissing the Criminal Misc. Application No. 2/2019 by the learned Additional Sessions Judge, Shrigonda is hereby quashed and set aside. The said Criminal Misc. Application stands restored to its original position and be heard on merits.

7. Above order is subject to petitioner depositing cost of Rs. 10,000/- (Rs. Ten Thousand only) in the District Legal Services Authority at Shrigonda within four weeks from today.

8. With this, criminal writ petition stands allowed and is disposed of.

(KISHORE C. SANT, J.)

P.S.B.