



IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO. 264 OF 2024
WITH
CRIMINAL APPLICATION NO. 4085 OF 2024

IRFAN KHAN SAMSHER KHAN
VERSUS
NAUSHEEN BEGUM IRFAN KHAN AND OTHERS

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Advocate for Applicant : Mr. Girish Vasantrao Wani

Advocate for Respondents : Mr. D.P. Madkar h/f Mr. D.S. Manerkar

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CORAM : ABHAY S. WAGHWASE, J.

Dated : 07th February 2025

ORDER :-

1. Heard both the sides.

2. It appears that, respondent No.1-wife had preferred petition bearing E No.26/2023, before learned Family Court, Parbhani. Learned Family Court has passed judgment and order dated 14.06.2024, granting the maintenance to the respondents.

3. Learned counsel for the revisionist-husband submits that, the evidence of original complainant-wife, in above petition, has proceeded without cross-examination in learned trial court. Record to which attention is invited shows that, the matter had been kept by learned trial court for cross-examination the original complainant-wife. However, cross-examination has not been conducted by the

revisionist-husband. Learned counsel for the revisionist makes a statement across the bar that, due to financial crisis, the revisionist could not engage advocate for cross-examination in learned trial court and he sought engagement of advocate through legal aid. However, learned trial court proceeded to pass the impugned order without cross-examination of the complainant-wife.

4. Therefore, in all fairness, the matter is remanded back to learned trial court for cross-examination of the original complainant-wife and revisionist-husband is permitted to adduce evidence, if any.

5. Learned trial court to reconsider the matter in view of supervening events.

6. Learned trial court shall make endeavor to complete the above process within a period of six months from the date of receipt of this order.

7. Learned counsel for the respondents pointed out that, arrears have mounted to around more than Rs.2 lakh.

8. However, though the quantum is still in dispute, in all fairness, the revisionist-husband is directed to deposit at least Rs.50,000/- in learned trial court.

9. In view of above terms, Criminal Revision Application No.264 of 2024 stands disposed off.

10. Criminal Application No.4085 of 2024 is also disposed off.

(ABHAY S. WAGHWASE, J.)

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