

Arjun

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

INTERIM APPLICATION NO.3598 OF 2024

IN

CRIMINAL REVISION APPLICATION NO.24 OF 2024

Nikhil Rajendra Chandarana

...Applicant

Versus

Anushi Agarwal & Anr.

...Respondents

WITH

CRIMINAL REVISION APPLICATION NO.24 OF 2024

Anushi Agarwal

...Applicant

Versus

Nikhil Rajendra Chandarana & Anr.

...Respondents

Mr. Sudeep Pasbola, Senior Advocate a/w Mr. Wesley Menezes, Mr. Ayush Pasbola & Mr. Sinha h/f R. Sathynarayanan, for the Applicant in IA/3598/2024 and for Respondent No.1 in REVN/24/2024.

Mr. Aabad Ponda, Senior Advocate a/w K. R. Shah, Prateek Dutta, for the Respondent No.1 in IA/3598/2024 and for the Applicant in REVN/24/2024.

Ms. A. S. Gotad, APP, for the Respondent - State.

CORAM: MADHAV J. JAMDAR, J.

DATED: 16 APRIL 2025

P.C.:

1. Heard Mr. Sudeep Pasbola, learned Senior Counsel appearing for the Applicant in Interim Application No.3598 of 2024 who is the Original Respondent No.1 and Mr. Aabad Ponda, learned Senior Counsel appearing for the Applicant in Criminal Revision Application No.24 of 2024.

2. At the outset, Mr. Ponda, learned Senior Counsel for the Applicant

- wife points out Order dated 5th December 2023 passed by the learned Additional Sessions Judge, Thane in PWDV Appeal No.40 of 2021 as also Order dated 12th January 2024 passed by a learned Single Judge in Criminal Revision Application No.24 of 2024. He submits that if the prayer clause (d) of the Criminal Revision Application No.24 of 2024 is granted, then he has instructions not to press the other prayers. The said prayer clause (d) reads as under:

“(d) The Hon’ble Court be pleased to further direct that the observations made in the impugned order dated 05/12/2023 are not to be used in any other proceedings between the parties and the other proceedings are to be decided on their own merits without being influenced in any manner by the observations made in the said order dated 05/12/2023;”

3. Mr. Pasbola, learned Senior Counsel for the Respondent - husband, states that Respondent No.1 has no objection for passing Order in terms of the prayer clause (d). He submits that, however as far as Clause No.3 of the Order dated 5th December 2023 passed by the learned Additional Sessions Judge, Thane, the Respondent - father is not given exclusive access and as the Applicant - mother remains present on all the dates of access, there is no effective access given to the father.

4. Mr. Ponda, learned Senior Counsel appearing for the Applicant - wife, on instructions, states that the Respondent - wife will not remain present in the Play Area / Cabin of Counsellor of the Family Court, Thane if the access is given under the supervision of the Counsellor in

Play Area / Cabin of the Counsellor.

5. Accordingly, Criminal Revision Application No.24 of 2024 is disposed of, by passing following Order, by the consent of the parties:

- (a) Criminal Revision Application is allowed in terms of the prayer clause (d).
- (b) As Mr. Ponda, learned Senior Counsel makes a statement that as far as the other prayers i.e. prayer clauses (a) to (c) are concerned the Criminal Revision Application is not pressed, the Criminal Revision Application is dismissed as far as said prayer clauses are concerned as not pressed.
- (c) As far as Clause No.3 of the Order dated 5th December 2023 passed by the learned Additional Sessions Judge, Thane in PWDV Appeal No.40 of 2021, it is clarified that the Applicant/Respondent No.1 - father shall have visitation right for two hours from 04:00 pm to 06:00 pm on the 1st and 3rd Saturday in the campus of Family Court, Thane under the supervision of Counsellor in the Play Area of Family Court, Thane or in the Cabin of Counsellor at Family Court, Thane, under the supervision of Counsellor of Family Court, Thane. It is further clarified that, during said visitation right, the Applicant - wife will not remain present.

6. Mr. Aabad Ponda, learned Senior Counsel for the Applicant - mother, on instructions of the Applicant, who is personally present in Court, states that the video access as directed to be given by Clause No.4 of Order dated 5th December 2023 will be given as per the direction of the learned Additional Sessions Judge, Thane.

7. Accordingly, Criminal Revision Application No.24 of 2024 and Interim Application No.3598 of 2024 are disposed of in above terms with no order as to costs.

[MADHAV J. JAMDAR, J.]