

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO.159 OF 2024

Ranjana Deju Salian @ Rekha	...Applicant
<i>Versus</i>	
Akbar Nabirasul Shaikh & Anr.	...Respondents

Mr. Sudhanva S. Bedekar, for the Applicant.

Ms. Manisha Devkar, for the Respondent No.1.

Mr. A.R. Metkari, APP for the State.

CORAM: MADHAV J. JAMDAR, J.
DATED: 27 FEBRUARY 2025

P.C.:

1. By the Order dated 20th February 2025 this Court appointed Mr. Sudhanva S. Bedekar, learned Advocate as Amicus Curiae to represent the interest of the Applicant. The Applicant is appearing in-person. However, the Committee appointed to give permission to the litigant to appear in-person has refused the permission and therefore Mr. Bedekar, has been appointed as Amicus.

2. The challenge in the present Criminal Revision Application is to the Order dated 3rd November 2023 passed by the learned Metropolitan Magistrate, Railway Mobile Court, Andheri Mumbai below Exhibit-1 in C.C. No.140/DV/2016. By the impugned Order said proceedings filed under the provisions of the *Protection Of Women From Domestic Violence Act, 2005* (“**DV Act**”) being C.C. No.140/DV/2016 has been dismissed for default for want of evidence. The said order has been

passed on the ground that the Applicant has not filed evidence affidavit.

3. Mr. Bedekar, learned Counsel appointed as Amicus, submitted that it is the case of the Applicant that the evidence affidavit has already been filed. However, on instructions of the Applicant, who is personally present in Court, he states that fresh Evidence Affidavit will be filed within a period of six weeks from today in the said C.C. No.140/DV/2016.

4. Ms. Devkar, learned Counsel appearing for the Respondent strongly opposed the said Application.

5. However, as a result of the impugned Order the said DV proceedings has been dismissed without considering the merits. Therefore, in the interest of justice, the Writ Petition is disposed of by passing following order :-

- (i) The impugned Order dated 3rd November 2023 passed by the learned Metropolitan Magistrate, Railway Mobile Court, below Exhibit-1 in C.C. No.140/DV/2016 is quashed and set aside and said proceedings bearing C.C. No.140/DV/2016 is restored to the file of the learned Metropolitan Magistrate.
- (ii) Both the parties to appear before the learned Metropolitan Magistrate on 17th March 2025 and submit copy of this Order before the Court.
- (iii) The Applicant shall file Evidence Affidavit within a period of six

weeks before the learned Metropolitan Magistrate.

(iv) The learned Metropolitan Magistrate is requested to dispose of said C.C. No.140/DV/2016 in accordance with law expeditiously.

6. The Criminal Revision Application is allowed in above terms with no order as to costs.

7. This Court places on record its appreciation for the assistance rendered by Mr. Bedekar, learned Counsel of this Court, appointed as *Amicus Curiae* and also assistance rendered by Ms. Devkar, learned Counsel, appointed by the High Court Legal Services Authority, Mumbai to represent the Respondent.

[MADHAV J. JAMDAR, J.]