

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO.360 OF 2024

Shri. Ajay Ujesh Waghani	... Applicant
<i>Versus</i>	
The State of Maharashtra & Ors.	... Respondents

Mr. Gajanan M. Savagave, Advocate for Applicant.
Ms. S.G. Talhar, APP for the Respondent-State.
Mr. A.A. Siddhiquie a/w Chowdhari Moin i/by A.A. Siddhiquie & Associates for Respondent.

CORAM: MADHAV J. JAMDAR, J.
DATED : 22nd JANUARY 2025

P.C.:

1. It is the submission of Mr. Savagave, learned Counsel appearing for the Applicant, relying on the judgment of Karnataka High Court in the case of **Francis Cyril C. Cunha Vs. Smt. Lydia Jane D'Cunha**¹, that the Order granting maintenance will not be covered by protection order in terms of Section 18 of the Protection of Women from Domestic Violence Act, 2005 (Said Act). It is his submission that the Court has no jurisdiction to pass Orders under Section 31(1) of the said Act for non compliance of the Orders granting maintenance.

1 2016 Cri. L.J. 1967

2. As important question of law is raised, Mr. Abhijeet Saravate, learned Advocate of this Court is appointed as *Amicus*.

3. Stand over to 5th February 2025 at 2.30 p.m. Till next date, no further coercive steps be taken pursuant to the impugned Orders.

BHALCHANDRA
GOPAL
DUSANE

(MADHAV J. JAMDAR, J.)

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