

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO.539 OF 2024
IN
CRIMINAL MISC. APPLICATION NO.474 OF 2023
IN
DV APPLICATION NO.461 OF 2021

Samuel Thomas

...Applicant

Versus

Betty Sarah Samuel alias Betty Sarah Itty

W/o Mr. Samuel Thomas & Anr.

...Respondents

Ms. Seema Verma, for the Applicant.

Ms. Pranali Girap, for the Respondent No.1.

Mr. A.S. Ghag, APP for the Respondent-State.

CORAM: MADHAV J. JAMDAR, J.

DATED: 05 FEBRUARY 2025

P.C.:

1. The challenge in this Criminal Revision Application is to the Order dated 27th June 2023 passed by the Learned J.M.F.C. 9th Court, Thane passed below Exhibit-11 in PWDVA No.464 of 2021. The said Application bearing Exhibit-11 has been filed by the present Applicant i.e. husband for dismissal of Domestic Violence Application filed under the provisions of *Domestic Violence Act, 2005* (“DV Act”).

2. It is the contention of the Applicant that he is residing in Dubai and came back to India in 2015 and since 2016 both of them have been separated and therefore the Application filed under the provisions of the DV Act in the year 2021 be dismissed.

3. The learned Sessions Judge while passing the impugned Order

has observed that as per the pleadings and the evidence even after separation also the Respondent has caused violence by various acts, and therefore, it is necessary to determine the contentions of both the parties after taking oral and documentary evidence on record.

4. Therefore, there is no ground to interfere in the impugned Order. Accordingly, the Criminal Revision Application is dismissed, however, with no order as to costs.

[MADHAV J. JAMDAR, J.]