

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.588 OF 2025

BHALCHANDRA
GOPAL
DUSANE

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Mrs. Parveen Juzar Burmawala ...Petitioner
Versus
Mr. Juzar Asgar Burmawala & Ors. ...Respondents

Ms. Rekha Musale i/by Siddhi Patil, Advocate for Petitioner.
Mr. Santosh G. Pawar, Advocate for Respondent Nos. 1 and 2
Mr. A.D. Kamkhedkar, APP for Respondent-State.

CORAM: MADHAV J. JAMDAR, J.
DATED : 28th February 2025

P.C.:

1. Heard learned Counsel for the Petitioner and the Respondents.

2. By the present Writ Petition filed under Article 227 of the Constitution of India, challenge is to the legality and validity of the Order dated 2nd January 2025 passed by the learned Additional Sessions Judge, Belapur, District Thane in PWDVA Appeal No.25 of 2024 as well as to the Order dated 26th August 2024 passed by the learned Judicial Magistrate, First Class, Belapur, Navi Mumbai in Criminal M.A. No. 65/2010.

3. Learned Counsel for the Petitioner raised various contentions. However, learned Counsel for the Respondent Nos.1 and 2 on instructions state that the impugned Order dated 26th August 2024 as well as the impugned Order dated 2nd January 2025 be quashed and set aside and the said Application bearing Exhibit 37 be restored to the file of the learned JMFC, Belapur, Navi Mumbai.

4. Accordingly, Order dated 26th August 2024 passed by the learned JMFC, Belapur below Exhibit 37 in Criminal M.A. No.65 of 2010 as well as Order dated 2nd January 2025 passed by the learned Additional Sessions Judge, Belapur in PWDVA Appeal No.25 of 2024 are quashed and set aside and said Application bearing Exhibit 37 is restored to the file of learned JMFC, Belapur, Navi Mumbai.

5. The Petitioner is at liberty to file additional Affidavit in said Application Exhibit 37 seeking interim maintenance and the Respondent is at liberty to file Rejoinder.

6. In the facts and circumstances of this case, learned JMFC is requested to decide said Exhibit 37 application being Criminal M.A. No. 65 of 2010 alongwith reliefs prayed in additional affidavit, if any, expeditiously i.e. on or before 9th May 2025.

7. It is clarified that this Court has not expressed any opinion on merits and all contentions on merits are expressly kept open.

(MADHAV J. JAMDAR, J.)