

Arjun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.1303 OF 2025

Nilesh Ashok Shinde

...Petitioner

Versus

The State of Maharashtra & Anr.

...Respondents

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Mr. Narayan G. Rokade a/w Abhang Suryawanshi, for the Petitioner.

Ms. S. G. Talhar, APP, for the Respondent - State.

Mr. Vidyadhar V. Gangurde, for Respondent No.2.

CORAM: MADHAV J. JAMDAR, J.

DATED: 23 APRIL 2025

P.C.:

1. Heard Mr. Rokade, learned Counsel appearing for the Petitioner and Mr. Gangurde, learned Counsel appearing for Respondent No.2.
2. The challenge in this Writ Petition is to the Order dated 7th February 2025 passed by the learned Additional Sessions Judge, Malegaon, District - Nashik in Criminal Revision Application No.79 of 2024 (“**impugned Order**”). By the impugned Order, the said Criminal Revision Application is dismissed for non-prosecution.
3. This Court by Order dated 8th April 2025 directed the Petitioner to deposit an amount of Rs.1,00,000/- in this Court. Mr. Rokade, learned Counsel appearing for the Petitioner states that the said amount is deposited.

4. Mr. Rokade, learned Counsel, on instructions of the Petitioner, states that the Petitioner will pay maintenance of Rs.10,000/- per month w.e.f. 1st April 2025 on or before the 10th day of each succeeding month till the Criminal Revision Application No.79 of 2024 filed by him is decided. Mr. Gangurde, learned Counsel appearing for Respondent No.2 states that within a period of 1 week bank account details of the Respondent No.2 will be furnished to the learned Advocate appearing for the Petitioner. Accordingly, the Petitioner to deposit the said amount in the account of the Respondent No.2 on or before 10th day of each succeeding month. First such payment will be made on or before 10th May 2025.

5. In view of the deposit of Rs.1,00,000/- in this Court and in view of the undertaking to pay Rs.10,000/- per month as indicated herein above, Mr. Gangurde, learned Counsel appearing for Respondent No.2, on instructions of the Respondent No.2, states that the Respondent No.2 has no objection if the impugned Order dated 7th February 2025 is quashed and set aside and the said Criminal Revision Application No.79 of 2024 is restored to the file of the learned Additional Sessions Judge, Malegaon, District - Nashik.

6. It is made clear that, if the said Criminal Revision Application No.79 of 2024 is dismissed, then within a period of 30 days the entire arrears as per the Order dated 16th July 2024 passed by the learned

Additional Chief Judicial Magistrate, Court No.5, Malegaon will be paid to the Respondent No.2.

7. Accordingly, by consent of parties, following Order is passed :

- i. The impugned Order dated 7th February 2025 passed by the learned Additional Sessions Judge, Malegaon, District - Nashik in Criminal Revision Application No.79 of 2024 is quashed and set aside. The said Criminal Revision Application is restored to the file of the learned Additional Sessions Judge, Malegaon, District - Nashik.
- ii. Both the parties to appear before the concerned learned Additional Sessions Judge, Malegaon, District - Nashik on 5th May 2025.
- iii. The learned Additional Sessions Judge, Malegaon, District - Nashik is requested to dispose of the said Criminal Revision Application No.79 of 2024 on or before 31st August 2025.
- iv. The amount of Rs.1,00,000/- deposited by the Petitioner in this Court is allowed to be withdrawn by the Respondent No.2. The Registry to take steps to pay the said amount to the Respondent No.2 within a period of 3 weeks from today.
- v. The Petitioner to pay the said maintenance of Rs.10,000/- per month in the account of the Respondent No.2 on or before the 10th day of each succeeding month. First such payment shall be

made on or before 10th May 2025.

- vi.** Learned Advocate of Respondent No.2 to communicate the bank account details of the Respondent No.2 to the learned Advocate appearing for the Petitioner within a period of 1 week from today.
 - vii.** In case the said Criminal Revision Application No.79 of 2024 is dismissed, then the Petitioner shall pay arrears of maintenance of Rs.2,80,000/- within a period of 30 days to the Respondent No.2.
- 8.** It is clarified that this Court has not considered the merits and all contentions on merits are expressly kept open.
- 9.** The Writ Petition is disposed of in above terms with no order as to costs.

[MADHAV J. JAMDAR, J.]