



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION (WP) NO. 251 OF 2024

Sunil S/o. Manohar Patil

.Vs.

Sau. Sandhya Sunil Patil

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Mr M. V. Rai, Advocate for the petitioner
Ms Kirti Satpute, Advocate for the respondent

CORAM : ANIL S. KILOR, J.

DATED : MARCH 12, 2025.

Heard.

2. The petitioner is the husband and the respondent is the wife. In a domestic violence proceeding, filed by the respondent, while considering the prayer of the wife, for grant of maintenance, the learned Judicial Magistrate First Class, Rajura, District : Chandrapur, after finding that a case of domestic violence is made out, directed the petitioner to pay Rs.7,000/- towards interim maintenance till the final decision. The petitioner, being aggrieved by the same, filed Criminal Appeal No. 94 of 2022 before the learned Additional Sessions Judge, Chandrapur and alongwith the appeal filed an application for grant of stay to the order dated 15.10.2022 and it was pressed.

3. The learned Sessions Judge, considering the salary of the petitioner and other factors, rejected the application by observing that the interim maintenance is appropriate. This order dated 12.10.2023 passed by the learned Additional Sessions Judge , Chandrapur in Criminal Appeal No. 94 of 2022 is under challenge in the present petition.

4. After passing of this order till the time this matter is heard today, a period of more than one and half year is lapsed. Furthermore, it is evident that the appeal is pending since year 2022.

5. Even if, for the purpose of deciding the correctness and legality of the impugned order, this Court will require to enter into the arena of merits of the matter and thereby make comments as regards the income of the petitioner, the quantum and whether the order of the Magistrate is just and proper. Therefor, while doing so any observations on merit may cause prejudice to any of the parties in appeal.

6. In that view of the matter, I am of the opinion that the purpose would be served if directions are issued to the learned Additional Sessions Judge, Chandrapur to decide the appeal within a stipulated period. Accordingly, I pass the following order:

i] The writ petition is disposed of with direction to the learned Additional Sessions Judge, Chandrapur to decide the appeal within 30 days from the next fixed date.

ii] Both the parties undertake to co-operate the Court to dispose of the appeal within time period fixed by this Court.

The writ petition stands **disposed of**, in the above referred terms.

(ANIL S. KILOR, J.)

Namrata