



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 4487 OF 2025
IN CRIMINAL REVISION APPLICATION (ST) NO.12442 OF 2025**

Gavnaji S/o Shankarrao Mangnale

...Applicant

Versus

Ku. Samarth S/o Ganaji Mangnale and Anr

...Respondents

- Mr. R. B. Narwade, Advocate for the Applicant
- Mr. M. M. Parghane, Advocate for the Respondents

**CORAM : ABHAY S. WAGHWASE, J
RESERVED ON : JANUARY 28, 2026
PRONOUNCED ON : JANUARY 29, 2026**

ORDER :

1. Instant Criminal Application is for condonation of delay of 465 days caused in filing revision against judgment and order dated 07.05.2024 in Petition No. E-64/2020.

2. According to learned Counsel for Applicant, present Respondent No. 2 instituted proceeding before Family Court, Nanded leveling false allegations and alleging desertion and thereby setting up maintenance petition by invoking Section 125 Code of Criminal Procedure for herself as well as for minor. He submitted that, firstly, due to Covid pandemic and subsequently, as there were efforts of resolution of dispute by way of compromise, there was no contest to the above application by wife for maintenance. However, to the surprise of revision

petitioner, wife continued the prosecution against him. That, learned Family Court did not afford him opportunity of filing say and proceeded to decide the matter in his absence. He further pointed out that, only after initiation of execution proceedings, he learnt about decision dated 07.05.2024, after which steps were taken to procure certified copies to file revision. That, for above reasons, there was delay, which is unintentional and, therefore, in the interest of justice, the same is urged to be condoned.

3. While opposing the application, learned Counsel for Respondents, would submit that in spite of sufficient notice, there was no contest by husband. Reasons assigned in the application are not convincing. That, Applicant was fully aware of proceedings but he refrained from filing say and, therefore, Trial Court committed no error in deciding the matter in absence of his say. According to learned Counsel for Respondents, delay is huge and as there is no plausible explanation, he urges to dismiss the Application.

4. After considering the above submissions and on going through the papers, it seems that present Applicant and Respondent No.2 are husband and wife and Respondent No.1 is seems to the child born out of wedlock. Due to strained relations, wife seems to have left company of husband and instituted proceedings bearing no. 64/2020

before Family Court, Nanded seeking maintenance under Section 125 CrPC.. Admittedly, present Revision Petitioner did not file say either to rebut or contest the claim and, therefore, in absence of his say, learned Family Court proceeded to decide the mater.

5. Now for challenging the same, present Application has been pressed into service as there is delay of 465 days. Reasons for delay are tried to be put forth in paragraphs 3 and 5 i.e. reason of covid and some efforts of compromise. However, vague averments are raised to that extent. Where, when, with whom and on whose indulgence, compromise was to be made is not spelt out. Only after filing of execution petition bearing no. ER-38/2024, efforts seems to have been done to procure certified copies of the judgment and papers. Even when copy was applied and when it was received is not stated in the application. Therefore, there is no plausible reason for the delay, which is more than a year. No convincing reason being put-forth, this Court refuses to condone delay it being not properly explained. Hence, I proceed to pass following order:

ORDER

- (a) Criminal Application stands dismissed.
- (b) Pending application(s), if any, stands disposed of.

(ABHAY S. WAGHWASE, J.)

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