



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

927 CRIMINAL APPLICATION NO. 4902 OF 2025
IN REVNST/13565/2025

VISHNU SHEKURAO TEMBARE
VERSUS
AMRUTA VISHNU TEMBARE AND OTHERS

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Mr. Nilesh N. Bhagwat, through Legal Aid, Advocate for Applicant
Ms. Anagha Vasantrao Rotte, through Legal Aid, Advocate for Respondent
Nos.1 to 3

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CORAM : AJIT B. KADETHANKAR, J.
DATE : 07.04.2026

PER COURT :-

1. The applicant, being aggrieved by the judgment and order dated 12.02.2022 passed by the learned Judge, Family Court, Jalna in Application No. E-45 of 2019 filed under Section 125 of the Criminal Procedure Code, has preferred the present Criminal Revision Application. There is a delay of 1280 days in filing the revision application, hence, the present application seeking condonation of delay.

2. Notice was issued by this Court, pursuant to which Ms. Rotte, learned counsel appeared on behalf of the respondents through the Legal Aid Committee. She submits that the applicant is in arrears of maintenance to the extent of at least Rs.12,00,000/-. She further submits that maintenance has been granted in favour of the wife of the applicant and their two daughters. It is stated that respondent No.1 is aged about 30 years, while the daughters are aged about 9 and 7 years, respectively.

3. Learned counsel for the respondents submits that there is not a single justifiable reason stated in the application for condonation of delay. She further submits that the conduct of the applicant is relevant and must be taken into consideration. According to her, in execution proceedings, the applicant

has surrendered to the order passed by the Family Court and has even undergone imprisonment. She further submits that a reply affidavit has been filed on behalf of respondent No.1 opposing the application for condonation of delay. It is also submitted that Execution Proceeding bearing No. ER-6 of 2023 is still pending before the Executing Court for recovery of maintenance, and that not a single rupee has been paid by the applicant to the respondents.

4. Learned counsel for the applicant submits that certain grounds have been mentioned in the application seeking condonation of delay. He submits, on instructions, that the applicant is presently unemployed and had met with an accident.

5. It is, however, pertinent to note that the said accident is stated to have occurred in the year 2024, i.e., much after the passing of the impugned order by the Family Court.

6. With the able assistance of the learned counsel for the respective parties, I have perused the pleadings and the grounds urged in support of the application for condonation of delay. In my view, there is absolutely no convincing or sufficient cause shown by the applicant to justify condonation of such an inordinate delay. It is also significant that the applicant has acted upon the order passed by the Trial Court and has even undergone imprisonment in execution proceedings.

7. In view of the above, no case is made out for condonation of delay.

8. The Criminal Application, therefore, stands dismissed.

9. The Criminal Revision Application stands disposed of accordingly.

[AJIT B. KADETHANKAR, J.]