



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 262 OF 2026
IN
CRIMINAL REVISION APPLICATION (ST.) NO. 634 OF 2026

1. Asia alias Asfiya Parveen W/o.
Sohel Ali Khan,
Age : 40 years, Occu.: Household
2. Master Ujer Khan S/o. Soheli Ali Khan,
Age : 17 years (Minor),
Through his natural guardian,
Both R/o. Near Alankar Hotel,
Mill Corner, Aurangabad.

... Applicants
[Orig. Petitioners]

Versus

Sohel Ali Khan S/o. Aktar Ali Khan,
Age : 45 years, Occu.: Business,
R/o. Near Alankar Hotel,
Mill Corner, Aurangabad.

... Respondent.
[Orig. Respondent]

.....
Mr. Jitendra S. Jain, Advocate for Petitioners.
Mr. Shahed Zaidi, Advocate for Respondent.
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CORAM : ABHAY S. WAGHWASE, J.
RESERVED ON : 12 MARCH 2026
PRONOUNCED ON : 13 MARCH 2026

ORDER :

1. This is an application for condonation of 87 days delay caused in filing Criminal Revision Application against the judgment and order passed by learned Family Court, Aurangabad dated 15.07.2025 in Application No. E-186/2022.

2. Learned counsel for applicants would point out that, present applicants are wife and son of respondent, against whom Application no. E-186 of 2022 was filed before the learned Family Judge, Family Court, Aurangabad by invoking section 125 of Cr.P.C. and thereby seeking maintenance. That, the learned Family Court dismissed the Petition by order dated 15.07.2025 refusing to grant maintenance. That, against the said dismissal, applicants intend to file revision. However, delay of 87 days has occurred. The same is unintentional. Due to financial crises, necessary funds could not be raised for instituting proceedings. That, impugned order is patently illegal and perverse. Applicants have a good case on merits and therefore, in the interest of justice, it is urged that, delay be condoned.

3. Learned counsel for respondent has strongly resisted the above application on the ground that, delay is not sufficiently explained. That, allegations of financial difficulties are false, afterthought and has no foundation.

4. After considering the above submissions and on going through the papers, it appears that, wife, who is original applicant had instituted proceedings under Domestic Violence Act by invoking sections 18, 20 and 22 of the Protection of Women from Domestic

Violence Act vide Criminal M.A. No.1438 of 2009 against all in-laws and said proceedings were decided by order dated 03.06.2010 partly allowing the claim directing non applicant no.1 husband to pay maintenance of Rs.1,500/- per month to wife and her son. Dissatisfied by the same, again she approached Court of Sessions at Aurangabad vide Criminal Appeal No. 121 of 2010 and the said appeal was dismissed by order dated 20.04.2012.

Papers show that, thereafter again applicant preferred proceedings before the learned J.M.F.C., Aurangabad on behalf of herself and minor against husband bearing Application P.W.D.V.A. No. 407 of 2014 again invoking provisions under sections 19, 20 and 25 of Domestic Violence Act and the same was allowed by order dated 21.12.2016. Papers show that, thereafter again applicant preferred Petition No. 186 of 2022 by invoking section 125 of Cr.P.C. seeking maintenance for herself and for the minor. The said petition seems to have been dismissed by order dated 15.07.2025. Against the same, now applicants intend to prefer the revision, but as delay of 87 days has occurred, instant application for condonation of delay.

5. Therefore, from above discussion, it is clearly emerging that, multiple proceedings are instituted by applicant. She is already beneficiary of maintenance therein by the learned J.M.F.C.. In spite

of second attempt getting extinguish by order dated 15.07.2025, revision is not filed within stipulated limitation. Almost three months delay has occurred. Title clause of all proceedings show that, she is resident of Aurangabad. Only reason put-forth is that of financial difficulty. There is no further explanation for the delay of almost three months.

6. Taking above discussion into consideration, there being no plausible explanation, this Court does not find it a fit case for condoning the delay.

7. The application is rejected.

(ABHAY S. WAGHWASE, J.)