

---

**CRIMINAL APPEAL NO.14/2024 ORDER BELOW EXH.4**

---

1. The appellant has preferred the captioned appeal against the Judgment and Order dated 19.01.2024 passed in the Criminal Misc. Application No.73/2022 by the Ld. Trial Court partly allowing the application preferred by the original applicant (present opponents). Ld. Trial Court has ordered the present appellant to pay Rs.20,000/- (Rupees Twenty Thousand Only) from the date of application, under the head of maintenance, physical-mental torture, education and treatment expences. Ld. Trial Court has also ordered the present appellant to pay Rs.50,000/- (Rupees Fifty Thousand Only) within 30 days, under the head of domestic violence, physical & mental torture etc.
2. Ld. Adv. Mr. D. M. Dasani for the appellant - accused has argued out and submitted that there is no worth of present appeal if the order of Ld. Trial Court has not been suspended till final conclusion of the appeal. There is strong possibility that the present appellant may succeed, therefore Ld. Adv. for the appellant has prayed to stay the execution and operation of the impugned order till the disposal of criminal appeal.
3. Ld. Adv. Mr. A. G. Mansuri for the Opponents has argued out and submitted that appellant has salary of Rs.32,656/- in his hand but his income is huge and he has intentionally taken various loans. Therefore, prayed to reject the stay application of the appellant.
4. Heard both the sides. Ld. Trial Court has ordered the appellant to pay Rs.20,000/- (Rupees Twenty Thousand Only) per month from the date of application to the opponents under provision of S.20 of the Protection of Women from Domestic Violence Act.

Ld. Trial Court has further ordered the appellant to pay Rs.50,000/- (Rupees Fifty Thousand Only) within 30 days under the provision of S.22 of the Protection of Women from Domestic Violence Act. Moreover, hearing and disposal of the criminal appeal is likely to take time. However, opponent no.1 has to take care of her children opponent nos.2 and 3. Their livelihood, education, food and other medical expenses etc. aspects require to take into consideration at the time of passing the order of stay. Thus, the prayer for suspending the operation of the operative clause (4) of the impugned order till the final disposal of criminal appeal is allowed conditionally and following order is passed in the interest of larger justice:

**: ORDER :**

- i. The present application Exh.4 is partly allowed.
- ii. The execution and operation of the Clause (4) and (7) of order passed by the Ld. Trial Court in Criminal Misc. Application No.73/2022 is suspended till the final disposal of the Criminal Appeal with a condition to deposit Rs.50,000/- (Rupees Fifty Thousand Only) as ordered by Ld. Trial Court in Clause (5) of the impugned order within 10 days from the date of this order.
- iii. The remaining clauses of the impugned order shall be intact.
- iv. Application stands disposed of accordingly.
- v. R & P of the Ld. Trial Court be called for by the Registry.

Signed and Pronounced in the open Court, today, on this 02<sup>nd</sup> Day of September, 2024.

Date:02/09/2024  
Place : Dahod

**(Harshad Shamrao Khutwad)**  
3rd Additional Sessions Judge,  
Dahod - GJ 00724.