

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION NO. 1337 of 2022**

=====

SHAH SURYODAY PRAFULCHAND

Versus

STATE OF GUJARAT

=====

Appearance:

MS KHUSHBU P VYAS(7040) for the Applicant(s) No. 1
for the Respondent(s) No. 2

MR LB DABHI APP for the Respondent(s) No. 1

=====

CORAM:HONOURABLE MR. JUSTICE VIPUL M. PANCHOLI

Date : 02/03/2022

ORAL ORDER

Heard learned advocate, Ms. Khushbu Vyas for the petitioner.

Learned advocate has referred to the order dated 29.07.2019 passed by the concerned Magistrate Court in the application filed by the respondent no.2 filed under Section 125 of the Criminal Procedure Code, 1973. Thereafter, learned advocate has referred to the order dated 10.10.2018 passed by the concerned Magistrate Court in the proceeding filed by the respondent no.2 under the provision of the Protection of Women from Domestic Violence Act, 2005, copy of which is placed on record at Page No.45 of the compilation. After referring to the said orders, it is submitted that the petitioner is regularly paying the amount of Rs.1,500/- as ordered by the concerned Magistrate Court in the order dated 10.10.2018. At this stage, it is pointed out that in the Revision Application filed by the respondent no.2, the concerned Sessions Court, by an order dated 29.07.2019, has modified the order passed

by the concerned Magistrate and thereby direction is given to the petitioner to further pay Rs.1,000/- by way of maintenance to the respondent no.2 – wife. Learned advocate has referred to the reasoning recorded by the Sessions Court and contended that the Sessions Court has while partly allowing the Revision Application filed by the respondent no.2, considered irrelevant grounds, which are not permissible. Learned advocate has more particularly referred to Para No.11 of the impugned order.

In view of the above submissions, issued **Notice** returnable on 7th April, 2022.

Learned APP waives service of notice for respondent – State of Gujarat.

Till next date of hearing, ad-interim relief in terms of Para No.9(B).

(VIPUL M. PANCHOLI, J.)

Gautam