



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPR NO. 222 OF 2025

IN

CRIMINAL REVISION APPLICATION ST. NO.8890 OF 2025

Mr. Prakash s/o Shriram Kalbande

.Vs.

Smt. Mohini w/o Prakash Kalbande

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Mr. P. Rewatkar, Advocate for the applicant.
Mr. C.F. Bhagwani, APP for non-applicant.

CORAM : URMILA JOSHI PHALKE, J.

DATED : 05.02.2026

By this application the applicant is seeking condonation of delay which is caused in preferring the revision of 69 days.

2. Learned counsel for the applicant who submitted that by this criminal revision applicant has challenged the order passed by Judicial Magistrate First Class granting maintenance @ of Rs.5,000/- per month. He submitted that non-applicant No.2 is not entitled for maintenance as she is living in adultery. However, learned Judicial Magistrate First Class has not considered the same and granted maintenance. However, delay is caused to prefer the revision as he could not get proper consultation to know what exact the procedure is to be followed by him to

challenge the said order. Therefore, said delay is caused. Delay is not intentional one. Considering the reason the delay be condoned.

3. The said application is strongly opposed by the learned counsel for the non-applicant on the ground that despite there are arrears of Rs.2,15,000/-, the applicant has not deposited single money towards the maintenance. Therefore, non-applicant unable to contest the petition as she is starving. Considering all these aspects and delay is intentional one. Therefore, application deserves to be rejected.

4. On hearing both the sides and on perusal of the reasons for delay appears to be reasonable one. However, considering that despite the order passed by no single money is paid towards the maintenance. Learned counsel for the applicant on instructions submitted that now applicant is ready to deposit amount of Rs.50,000/-. He has shown his bonafides.

5. In view of that application deserves to be allowed.

6. Accordingly I proceed to pass the following order:-

7. Delay is condoned.

8. Delay of 69 days subject to condition that applicant shall deposit the amount of Rs. 50,000/- within one week and he shall pay additional Rs.25,000/- in next one month.

9. Revision be numbered. On registration of the revision Mr. C.F. Bhagwani, learned counsel waives notice for non-applicant.

9. Learned counsel for the applicant shall furnish copy of the application to the learned counsel for the non-applicant.

10. Matter be listed on 06.03.2025.

(URMILA JOSHI PHALKE, J.)

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