

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.89 OF 2020  
(@ out of SLP (CrI.) No(s).3415/2019

VISHAL

Appellant(s)

VERSUS

SONIYA & ANR.

Respondent(s)

O R D E R

Leave granted.

This appeal arises out of the judgment and order dated 15.3.2019 passed by the High Court of Judicature at Bombay, Bench at Aurangabad in Criminal Application No.523 of 2019.

While dealing with the application preferred by the respondent-wife seeking maintenance under Section 125 Cr.P.C., the Trial Court by an ex-parte order awarded maintenance @ Rs.15,000/- per month.

The challenge arising from the aforesaid ex-parte order being delayed by 68 days, the High Court rejected the criminal application on the ground of delay. Resultantly, the matter had not been decided on merits.

While issuing notice in the Special Leave Petition, this Court directed the appellant-husband to deposit sum of Rs.20,000/- towards the expenses of respondent-wife. The said amount has been deposited.

Since the matter has not been decided on merits after hearing the appellant by either of the Courts, subject to the payment of Rs.20,000/- by way of expenses/costs of the respondent-wife, we restore the criminal application to the file of the High Court. We request the High Court to consider disposing of the matter as early as possible and preferably within three months from today.

We also direct the appellant-husband to deposit the amount awarded by the Trial Court @ Rs.15,000/- per month upto January, 2020.

In case, the amount is not deposited by the end of January, 2020, the Criminal Application No.523 of 2019 shall stand dismissed without further reference to the Court.

The appeal is allowed in aforesaid terms.

.....J.  
(UDAY UMESH LALIT)

.....J.  
(INDU MALHOTRA )

New Delhi  
January 14,,2020

ITEM NO.18

COURT NO.6

SECTION II-A

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

Petition(s) for Special Leave to Appeal (CrI.) No(s). 3415/2019

(Arising out of impugned final judgment and order dated 15-03-2019 in CRLAP No. 523/2019 passed by the High Court Of Judicature At Bombay At Aurangabad)

VISHAL

Petitioner(s)

VERSUS

SONIYA &amp; ANR.

Respondent(s)

(IA No. 61504/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 61506/2019 - EXEMPTION FROM FILING O.T.)

Date : 14-01-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT  
HON'BLE MS. JUSTICE INDU MALHOTRA

For Petitioner(s) Mr. Vipin Siddiqui, Adv.  
Mr. Sandeep Sudhakar Deshmukh, AOR

For Respondent(s) Mr. Shashibhushan P. Adgaonkar, AOR  
Mr. Rana Sandeep Bussa, Adv.

UPON hearing the counsel the Court made the following  
**O R D E R**  
Leave granted.

The appeal is allowed in terms of the signed order.

Pending applications, if any, also stands disposed of.

(INDU MARWAH)  
COURT MASTER (SH)

(SUMAN JAIN)  
BRANCH OFFICER

(Signed order is placed on the file)