

03.09.07.2019

This revision has been directed against the common judgment dated 05.02.2018 passed by the learned Additional District Judge, Karanjia in Criminal Revision No. 03 of 2017.

By the impugned order, the revisional court had set aside the order dated 27.06.2017 passed by the learned J.M.F.C., Karanjia in C.M.C. No. 48 of 2015 in a proceeding under section 125 of the Cr.P.C. and remitted the matter back to the said court to dispose of the case afresh as per law within a period of three months.

Learned counsel for the petitioner submits that the revisional court has exceeded its jurisdiction in setting aside the findings returned by the court below which are based on just and proper appreciation of evidence on record. He further submits that without pointing out any such perversity in the matter of appreciation of evidence, the revisional court has erroneously set aside the order under challenge before it.

Keeping in view the submissions as advanced, the impugned order of the revisional court being perused, it is seen that the order has been passed being alive to the settled position as to the jurisdiction of the revisional court and the scope to interfere thereunder.

The revisional court has found that the trial court in the particular case having simply quoted the evidence of all the witnesses has straightway jumped to answer the controversial issues in favour of the petitioner. This has been taken by the revisional court as erroneous

approach in the matter of appreciation of evidence and for that reason the order being set aside, the matter has been remitted back to the court below for fresh disposal of the case within a time frame. The aspects as have been highlighted by the revisional court gets substantiated when the order of the court clearly below is given a careful reading. Thus, this court does not any such illegality or impropriety in the impugned order of the revisional court so as to entertain this revision.

In view of all the aforesaid, the court below is directed to hear the parties afresh and conclude the proceeding i.e. C.M.C. No. 48 of 2015 within a period of four months with effect from 1st of August, 2019 when the petitioner is directed to appear before the said court to receive further instruction in the matter. It is however open to the petitioner to move the said court for grant of interim maintenance as provided in law in case the opposite party resorts to any such dilatory tactics in causing delay in disposal of the matter beyond the above stipulated period. L.C.R. be sent back forthwith.

The CRLREV is accordingly disposed of.

Issue urgent certified copy as per rules.

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**D. Dash, J.**

Narayan