

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8929 of 2023

Petitioner :- Manoj Kumar Dubey And 6 Others

Respondent :- State Of U.P. Thru. Prin. Secy. Home Lko. And 3 Others

Counsel for Petitioner :- Shobh Nath Pandey

Counsel for Respondent :- G.A.,Kirti Rawat

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Karunesh Singh Pawar,J.

1. Learned counsel for the petitioners says that although the petitioner no.1 is present today, he has not brought the Bank Draft of Rs. 20,000/- as directed by this Court.

2. We have granted interim protection to the petitioners on the condition that he may bring a Bank Draft of Rs. 20,000/- in favour of the Respondent no. 4 by order dated 22.11.2023.

3. When the matter was taken up on 13.12.2023, learned counsel for the petitioners had prayed for time saying that he will produce the petitioner no.1 as well as the Bank Draft of Rs. 20,000/- on the next date of listing. On his request the matter was listed today. Now he says that the petitioner no.1 is present, but he has not brought the Bank Draft. He prays for further time.

4. This Court cannot be taken for granted. The order of interim protection was conditional in nature. We, while making orders for giving money to the estranged wife are not passing any orders on the maintenance application. We are giving some monetary relief to the respondent/informant/estranged wife only because we feel that she would have to spend money in coming again and again to the Mediation and Conciliation of this Court and she should not beg and borrow from her relatives. It is only because we respect the autonomy of the estranged wife that we direct deposit of money in her favour. It is not disputed that the petitioner had married the respondent no.4 and she is still his wife although she is estranged. He has a duty to provide for her.

5. We have gone through the F.I.R. and find cognizable offence be made out.

6. The writ petition is ***dismissed***.

Order Date :- 21.12.2023/Darpan Sharma