

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO.438 OF 2015

Tukaram s/o Rambhau Bhojane,
Age 42 years, Occu. Service,
R/o Government Hospital,
Paithan, Taluka Paithan,
District Aurangabad

.. Petitioner

Versus

1. The State of Maharashtra,
2. Jyoti w/o Tukaram Bhojane,
Age 35 years, Occu. Service,
Working as Assistant Teacher
at Babanrao Dhakne (Secondary)
School at Chikalthana,
Aurangabad
R/o at Present c/o Gitaram
Manikrao Gaikwad, Arihant Nagar,
Aurangabad
3. Adarsh @ Pankaj Tukaram
Bhojane, Age 17 years,
Occu. Education, minor u/g
of respondent No.2
R/o at Present c/o Gitaram
Manikrao Gaikwad, Arihant Nagar,
Aurangabad

.. Respondents

Mr D.R. Jaybhar, Advocate for petitioner
Mrs M.A. Deshpande, A.P.P. for respondent No.1
Mr A.D. Aghav, Advocate for respondent Nos.2 and 3

CORAM : N.W. SAMBRE, J.

DATE : 29th September 2015

PER COURT

1 Having heard learned Counsel for the applicant Mr Jaybhar at length, it is noticed that the petitioner has questioned the recovery/execution proceedings initiated pursuant to the judgment delivered by this Court on 4th February 2015 in Criminal Revision

Application No.227 of 2002, whereby the petitioner herein was directed to pay maintenance of Rs.1,500/- per month to each of the applicants from the date of filing of the said petition and was also directed to continue to pay regularly.

2. If the nature of proceedings which are initiated by virtue of present proceedings in the above referred background are analysed, the petitioner herein is seeking to canvass that certain earlier orders and the proceedings were not pointed out to this Court. when the judgment dated 4th February 2015 was delivered in Criminal Revision Application No.227 of 2002.

3. This Court is afraid of in accepting such submissions in view of the fact that in Code of Criminal Procedure, it is not open for this Court to sit in appeal or to review the order which was passed in the said proceedings after hearing the present petitioner which have attained finality before this Court.

4. In view thereof, no case for interference is made out. Criminal Writ Petition stands dismissed.

5. The claimants - respondents No.2 and 3 herein pursuant to the order of dismissal of Writ Petition will be entitled to withdraw the amount of maintenance deposited in this Court.

(N.W. SAMBRE, J.)