

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO. 313 OF 2012
WITH
CRIMINAL APPLICATION NO. 399 OF 2013**

Milind Hiranman Bhirud ...Applicant
Versus
Prerna @ Vaishali Milind Bhirud & Ors. ...Respondents

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Mr. Aniket U. Nikam i/b Mr. Uday P. Warunjikar for the Applicant

Mrs. Prerna @ Vaishali Milind Bhirud, Respondent No.1 present in-person

Mr. Y. M. Nakhwa, A.P.P for the Respondent No.3-State

CORAM : REVATI MOHITE DERE, J.

FRIDAY, 13TH MARCH, 2015

P.C. :

1. Vide order dated 5th March, 2015, learned Counsel for the applicant was given time to take instructions as to within how much time the applicant will deposit the arrears and the applicant was directed to remain present today. Despite the said direction, the applicant is not

present today. Mr. Nikam, learned Counsel for the applicant states that he has tried to contact the applicant however, the applicant's mobile is coming switched off. Mr. Nikam seeks further time.

2. The application is pending since 2012. This Court (Coram : Smt. R. P. SondurBaldota, J.) had on 9th July, 2013 passed the following order:

“1. Mr. Deshpande, the learned counsel appearing on behalf of respondent no.1, states that the applicant is in arrears of maintenance to the extent of Rs.4,46,000/-. The applicant is, therefore, directed to first clear all the arrears of maintenance. The arrears of maintenance to be cleared by depositing the amount in the trial court within a period of four weeks from today.

2. S.O. to 6th August, 2013.”

3. On 4th September, 2013, the learned Counsel for the applicant sought time. As the applicant had deposited only Rs. 18,000/- towards arrears, the applicant was once again directed to deposit the arrears within four weeks. On 9th October, 2013, applicant again sought time. On 19th December, 2013, it appears that certain Fixed Deposits standing in the respondent's name, were handed over to the respondent by the applicant, for withdrawal of the amounts under the Fixed Deposits. On 11th February,

2014, none appeared for the applicant. In view of the statement made by the learned Counsel for the respondent No.1, that the arrears were not paid by the applicant, by way of last chance, matter was stood over to 24th February, 2014. On 14th March, 2014, a new Counsel appeared for the applicant and sought time to file his Vakalatnama. Learned Counsel submitted that by the next date, the applicant, will come up with a workable solution, to clear the arrears of maintenance. Thereafter, matter was adjourned from time to time, at the request of the parties. On 5th March, this Court passed the following order:

“1. The learned Counsel for the respondent Nos.1 & 2 states that the arrears due and payable by the applicant are Rs. 9,00,000/-. He submits that applicant is absconding and there is a non-bailable warrant issued against him.

2. Learned Counsel for the applicant seeks time to take instructions. The learned Counsel for the applicant to take instructions within how much time the applicant can deposit the arrears. The applicant shall remain present in the Court on the next date.

3. Stand over to 13th March, 2015. To be listed First on Board.”

4. Looking at the conduct of the applicant and the fact that there are arrears of more than Rs. 9,00,000/-, which are due and payable to the respondent Nos. 1 and 2; and that a non-bailable warrant has been issued

against the applicant, no indulgence is warranted at this stage. Accordingly, both the Revision Applications are dismissed for want of prosecution.

5. In view of the above, nothing survives for consideration in Application No. 399 of 2013. The same stands disposed of.

REVATI MOHITE DERE, J.