

IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.360 OF 2015
IN
CRIMINAL WRIT PETITION NO.2719 OF 2013

Rajendra Pratap Pardeshi and another ... Applicants
Vs.
Sima Rajendra Pardeshi and others ... Respondents

Ms Seema Sarnaik for Applicants.
Mr. Dinesh P. Adsule for Respondents No.1 and 2.
Mr. Rajesh More, APP for Respondent No.3-State.

CORAM : R. G. KETKAR, J.
DATE : 27TH AUGUST, 2015

P.C. :

Heard Ms Sarnaik, learned Counsel for applicants, Mr. Adsule, learned Counsel for respondents No.1 and 2 and Mr. More, learned APP for respondent No.3-State.

2. By this Application, original respondents in the Petition has prayed for staying the implementation of the judgment and order dated 20.03.2013 granting maintenance @ Rs.5,000/- per month to the respondent No.1; for direction to the respondent No.1 to refund amount of Rs.3,85,000/- paid to her as maintenance till filing of the Civil Application or in the alternate granting liberty to adjust the amount of Rs.3,85,000/- towards the maintenance of the daughter.

3. Having regard to Section 127 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), applicants have remedy of moving the learned Magistrate for alteration in the allowance. In view thereof, Ms Sarnaik seeks liberty to withdraw the Application with liberty to file appropriate proceedings before the appropriate Court.

4. On the motion made by Ms Sarnaik, Application is allowed to be withdrawn with liberty as prayed for. The parties can lead evidence in support of their respective case as well. All the contentions of the parties on merits are expressly kept open. Order accordingly.

(R. G. KETKAR, J.)

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