

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 3593 OF 2015

Rizwan Ahmed Shah. ... Petitioner.
Versus
The State of Maharashtra & ors ... Respondents.

Mr. Satish R. Mishra, advocate for petitioner.

Mr. A.S.H. Khan, advocate for respondent No. 2.

Mrs. A.A. Mane, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J
DATE : OCTOBER 13, 2015

P.C.:

1 Heard the learned Counsel for the Petitioner and the learned
Counsel for the respondent No. 2.

2 Rule. Rule made returnable forthwith with the consent of the
parties.

3 Learned Counsel for the Petitioner upon instructions from the
Petitioner, who is present in the court makes a statement that the
total arrears for which the distress warrant is issued on 29/8/2015 is
to the tune of Rs. 28,000/-. The Petitioner undertakes to deposit Rs.
15,000/- within two weeks from today. The Petitioner shall pay
further Rs. 15,000/- in another two weeks. The Petitioner shall
continue to pay interim maintenance, as directed by the Court.

4 The learned Metropolitan Magistrate, 34th Court, Vikhroli,
Mumbai shall make an endeavour to decide the C.C. No. 34/N/2009
within 8 weeks from the receipt of this order.

5 The distress warrant is stayed on the condition that the
Petitioner deposits Rs. 15,000/- within 2 weeks from today i.e. on or
before 28th October, 2015. In the eventuality that the Petitioner fails
to deposit Rs. 15,000/- on or before 28th October, 2015, the distress
warrant shall take its own course and the order granting stay to the
order of distress warrant dated 29th August, 2015 shall automatically

stands vacated. The Writ Petition is partly allowed on the above terms.

6 The Rule is made absolute in the above terms. The Petition stands disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)