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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 4280 OF 2014

Kalpesh Barku Chaudhary .. Petitioner

Vs.

State of Maharashtra and others .. Respondents

Mr.Bhaves Parmar i/b Mr.D.J.Shukla, Advocate for the Petitioner.

CORAM : R.G.KETKAR, J.

DATE : 06th February, 2015

P.C. :

. Heard Mr.Bhaves Parmar, learned Counsel for the petitioner.

2. By this petition under Articles 226 & 227 of the Constitution of India, the petitioner-husband has challenged the judgment and order dated 15/05/2014 passed by the learned Judicial Magistrate, First Class, Jawhar in Misc. Enquiry Application No. 1 of 2014 filed under Section 125 of Code of Criminal Procedure, 1973. Mr.Parmar seeks permission to withdraw this petition with a liberty to challenge this order by filing appropriate proceedings before the Sessions Court, Thane.

3. On the motion made by Mr.Parmar, the petition is allowed to be withdrawn with liberty as prayed for. It is made clear that I have not expressed any opinion on merits of the case. All the

contentions of the parties on merits are expressly kept open.

4. At this stage, Mr.Parmar states that the petitioner may be arrested in case of non-compliance of the impugned order.

5. In view thereof, subject to the petitioner depositing 50% of the amount awarded under the impugned order, subject to the adjustment of amount paid or deposited, if any, within 2 weeks before the learned Magistrate, no coercive action shall be taken. This arrangement shall remain in force only for a period of 2 weeks from today and the petitioner would be at liberty to move the Sessions Court, Thane for obtaining appropriate interim order. It is also made clear that by granting this ad-interim relief, I have not expressed any opinion on merits of the case.

(R.G.KETKAR, J.)