

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

CRIMINAL WRIT PETITION NO. 271 OF 2014

Mohan s/o Changdeo Gunjal,
Age: 58 years, Occ: Labour,
R/o. Old Rajangaon, Tq. Gangapur,
Dist. Aurangabad.

...Petitioner

versus

Vimal w/o Mohan Gunjal,
Age: 46 years, Occ: Household,
R/o. Solegaon, Tq. Gangapur,
Dist. Aurangabad.

...Respondent

.....
Mr. Sanjay Kotkar, Advocate h/f Mr. S.V. Jaigude, Advocate for
petitioner
Mr. R.V. Gore, Advocate for respondent

.....

CORAM : N.W. SAMBRE, J.

DATE : 25th APRIL, 2016

ORAL ORDER :

Heard learned Counsel for the petitioner.

2. Relying upon the provisions of Section 125(3) of the Code of Criminal Procedure, learned Counsel for the petitioner has tried to resist the impugned order dated 17/06/2011 passed by learned Magistrate, on the ground that the amount claimed by the wife was only for the period of one year i.e. Rs.5500/-, whereas the Magistrate has directed the issuance of arrest warrant of Rs.19950/-.

3. In my opinion, in extraordinary writ jurisdiction, no interference is called for in the impugned order, as the wife has claimed issuance of warrant for recovery of maintenance amount for the period of one year and no fault could be noticed on behalf of respondent-wife. Learned Magistrate, having regard to the provisions of Section 125 of the Code of Criminal Procedure and by narrating appropriate reasons so as to avoid multiplicity of the proceedings, has issued warrant against the present petitioner for Rs.19950/-. Furthermore, from record it could be noticed that the present petitioner is in habit of making default in payment of maintenance awarded under Section 125 of the Code of Criminal Procedure.

4. In view of above, no case for interference is made out. As such, criminal writ petition fails and stands dismissed.

[N.W. SAMBRE, J.]