

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

CRIMINAL WRIT PETITION NO. 1533 OF 2016

Pandit s/o. Deoram Patil .. Petitioner

Versus

Kapil s/o. Pandit Patil .. Respondent

Mr.Prakashsingh B. Patil, Advocate for the petitioner.

CORAM : Z.A. HAQ, J.

DATED : 29.11.2016

P.C. :-

. Heard. The petitioner has challenged the order passed by the Sessions Court imposing condition of depositing Rs.1,05,000/- for granting stay to the effect, operation and execution of the order passed by the learned Magistrate. The learned Magistrate directed the petitioner to pay maintenance to the respondent (son of the petitioner).

02. The submission on behalf of the petitioner is that the respondent had filed an application before the learned Magistrate claiming maintenance from 2001 which could not have been granted and as per Section 125 (3) of Criminal Procedure Code arrears of maintenance of 11 months only could have been granted. This submission cannot be considered at this stage as the matter is subjudiced before the Sessions Court.

03. In my view, the impugned order does not suffer from any error of jurisdiction or arbitrariness which necessitates interference by this Court in the extraordinary jurisdiction. The petition is dismissed. No costs.

04. At this stage, the learned Advocate for the petitioner prayed that the petitioner may be granted some time to deposit the amount as he is facing financial crisis. The petitioner is permitted to make this request before the Sessions Court and if application with such prayer is filed, the Sessions Court may consider the application according to law.

[Z.A. HAQ, J.]