

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2831 OF 2016**

Shahenshahealam Khan

...Petitioner

Versus

The State of Maharashtra & Anr.

...Respondents

Ms. Perna Srivastava I/b Mr. Rishi Bhuta for the Petitioner

Ms. P. P. Shinde, A.P.P for the Respondent No. 1-State

CORAM : REVATI MOHITE DERE, J.
FRIDAY, 2nd SEPTEMBER, 2016

P.C. :

1. Learned Counsel for the petitioner states that the petitioner has deposited the entire amount of arrears of maintenance i.e. Rs. 90,000/- as directed by this Court vide order dated 19th August, 2016. She has placed on record the receipts pursuant to which payments were made. The said receipts are taken on record.

2. Learned Counsel for the petitioner states that the distress warrant was issued against the petitioner vide order dated 6th August, 2016 by the trial Court for recovering the arrears of maintenance of Rs. 90,000/-. She Submits that as the said amount has been deposited by the petitioner in

the trial Court, the distress warrant be quashed, in particular, the order dated 6th August, 2016 passed by the trial Court which reads thus :

“Issue D/W against Respondent's husband for recovery of the maintenance of Rs. 90,000/- as prayed.”

3. It appears that the distress warrant was issued for recovery of maintenance of Rs. 90,000/-. Now that the petitioner has deposited the said amount of Rs. 90,000/- in the trial Court, nothing survives for consideration in this petition. It is informed that the appeal is pending before the Sessions Court. Accordingly, the distress warrant issued vide order dated 6th August, 2016 is quashed and set-aside.

4. Petition is disposed of on the aforesaid terms.

5. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.