

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO.3697 OF 2016

Vijay Nivrutti Shinde .Petitioner

Vs.

Sou. Ashwini Vijay Shinde & ors. .Respondents

Mr.R.Zade, Advocate, for the Petitioner

Mr.S.R.Agarkar, APP, for the Respondent No.3 –
State

Mr.Vijay Shinde, Petitioner-in-person present

CORAM : REVATI MOHITE DERE, J.

DATE : 26.10.2016

P.C.

. Heard learned counsel for the
Petitioner.

2. By this Petition, the Petitioner has
impugned the order dated 01.10.2016 passed by
the learned Addl. Sessions Judge, Pune, below
Exh.No.5 in Cri.Appeal No.169 of 2016, directing
the Petitioner to deposit a sum of Rs.85,000/-
i.e. half of the outstanding maintenance till
the Appeal is finally decided. A direction is

also given to the Petitioner to pay a sum of Rs.5,000/- per month pending the final decision of the Appeal. The impugned order reads thus :-

" Order

1) Operation of judgment and order of the trial court in Criminal M.A.No.190/2014 is stayed till decision of appeal, subject to condition that the appellant shall deposit Rs.85,000/- in the court which is about half the amount of outstanding maintenance and as an interim measure till decision of appeal he shall pay Rs.5000/- per month.

2) The interim amount which shall be paid by the appellant on monthly basis will be without prejudice to the rights and contentions of the parties and subject to decision of the appeal.

3) The arrears of maintenance i.e. Rs.85000/- shall be paid/deposited by the appellant within one month of this order.

4) The appellant shall till decision of appeal keep on paying Rs.5000/- per month on or before 10th date of each month.

5) On failure to deposit the above arrears as well as on failure to pay interim maintenance even on one count during pendency of the appeal, this order shall stand automatically vacated."

3. Learned counsel of the Petitioner has tendered an Affidavit of the Petitioner. The said Affidavit is taken on record and marked as "X" for identification. The Petitioner has stated that he will deposit the said amount of Rs.85,000/- as directed by the learned Sessions Judge, Pune in three instalments, within two months from today i.e. by 31.12.2016. The Petitioner has undertaken to deposit the first instalment of Rs.25,000/- in the Registry of the Sessions Court on or before **15.11.2016**; the second instalment of Rs.30,000/- on or before **15.12.2016** and the third instalment of Rs.30,000/- on or before **31.12.2016**. If the said amounts as stated in the Affidavit are deposited by the Petitioner, Respondent No.1 is permitted

to withdraw the same from the Registry of the Sessions Court, on showing proof of her identity. In the meantime, till the Appeal is finally decided by the Sessions Court, the Petitioner shall continue to pay a sum of Rs.5,000/- per month in addition to the aforesaid amounts from October, 2016 till the Appeal is heard. The said amount of Rs.5,000/- starting October, 2016 shall be deposited by the Petitioner in the Registry of the Sessions Court on the 15th of every month starting October, 2016.

4. In view of the Affidavit filed by the Petitioner, nothing survives for consideration in this Petition.

5. The Petition is accordingly disposed of.

6. Stand over to **18.11.2016**. To be listed

under the caption "For Recording Compliance Of
The Order".

Parties to act on the authenticated
copy of this order.

(REVATI MOHITE DERE, J.)