

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 188 OF 2017

MARIA DO CARMO RIBEIRO DE SANTANA
COSTA MARTINS AND ANR., ... Petitioners

Versus

EMILIO CARLOS ANTONIO JUDE THADEUS
COSTA MARTINS AND ANR., ... Respondents

Ms. Rajas Kantak, Advocate for the petitioners.

Coram:- C. V. BHADANG, J.

Date:- 9th November 2017

P.C.

Heard Ms. Kantak, the learned Counsel for the petitioners.

2. The petitioners had sought recovery of interim maintenance by filing an application under Section 125(3) of Cr.P.C. The petitioner had, inter alia, prayed for issuing warrant against the respondent no.1, claiming an amount of Rs.4,60,000/- and also for an order to sentence the respondent no.1 to imprisonment. The learned Magistrate, by an order dated 01/11/2017, had issued a distress warrant against the respondent no.1 for recovery of Rs.4,60,000/-. There is no specific date, on which the warrant is made returnable.

3. The only contention raised on behalf of the petitioner is that

the execution of the distress warrant would take its own time and the learned Magistrate ought to have directed the respondent no.1 to be sent to prison by way of coercive step for recovery of the maintenance.

4. I have considered the circumstances and the submissions made.

5. At this stage, the learned Magistrate has already issued a distress warrant against the respondent no.1 levying the amount towards the arrears of interim maintenance and thus, no case for modification of the said order by this Court is made out. However, it will be open to the petitioner to approach the learned Magistrate for any other mode of recovery as is available in law. If such a request is made, the learned Magistrate shall consider the same, on its own merits and in accordance with law.

6. Criminal Writ Petition is disposed of in the aforesaid terms.

C. V. BHADANG, J.

SMA