

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO.102 OF 2016

Sharad Vilasrao Bhosale ... Applicant
Vs.
Sheeladevi Vilasrao Bhosale and another ... Respondents

WITH
CRIMINAL APPLICATION NO.30 OF 2017

Sheeladevi Vilasrao Bhosale ... Applicant
Vs.
Sharad Vilasrao Bhosale ... Respondent

Mr. Ajit Kenjale a/w. Mr. Sohil Gulabani for Applicant in Cri.R.A.No.102/16
and for Respondent in Cri.Appln. No.30/17.

Mr. Tushar Kochale for Respondent in Cri.R.A.No.102/16 and for Applicant in
Cri.Appln. No.30/17.

CORAM : R. G. KETKAR, J.
DATE : MAY 02, 2017

P.C. :

Heard Mr. Kenjale, learned Counsel for applicant and
Mr. Kochale, learned Counsel for respondent No.1 in Criminal Revision
Application at length.

2. By this Application under Section 401 of the Code of Criminal
Procedure, 1973 (for short 'Cr.P.C.'), applicant has challenged the
judgment and order dated 21.10.2015 passed by the learned Judge,
Family Court, Thane in Petition No.E-25/2014. By that order, the
learned trial Judge partly allowed the Petition filed by the respondent
No.1 under Section 125 of Cr.P.C. and directed the applicant to pay
Rs.15,000/- per month to her from the date of the Petition i.e.
29.03.2014 and further pay costs of Rs.5,000/-.

3. It is common ground between the parties that as on date, the total amount of maintenance comes to Rs.5,70,000/-. Mr. Kenjale submits that applicant had deposited Rs.2,00,000/- in the past and in pursuance of the order dated 21.04.2017, applicant has deposited Rs.3,00,000/- in this Court. He has deposited Rs.40,000/- in the executing Court. In other words, out of total amount of Rs.5,70,000/-, applicant has deposited Rs.5,40,000/- and is in arrears of maintenance of Rs.30,000/-. He assures that within two weeks from today, applicant will pay Rs.30,000/- to the respondent No.1.

4. Mr. Kenjale states that applicant is present in the Court. He states that applicant's Advocate had given No Instruction Purshis and thereafter withdrew his appearance. Because of the circumstances beyond the control of the applicant, he could not appear before the trial Court when the impugned order was passed. He further submitted that Petition filed by the respondent No.1 under Section 125 is also not maintainable as the other daughters are not impleaded in the proceedings. Upon taking instructions from the applicant, he seeks permission to withdraw the Application with liberty to file application before the trial Court raising these contentions.

5. On the motion made by Mr. Kenjale, Application is allowed to be withdrawn with liberty as prayed for. Grant of liberty shall not be construed as an expression of merits either way. All the contentions of the parties on merits are expressly kept open. Respondent No.1 is permitted to withdraw the amounts deposited by the applicant in this Court as also in the executing Court, unconditionally. Applicant shall pay remaining amount of maintenance of Rs.30,000/- to the respondent No.1 within 2 weeks from today. Criminal Revision Application is disposed of accordingly.

6. In view of the disposal of the Criminal Revision Application, Criminal Application No.30 of 2017 does not survive and the same is disposed of accordingly.

(R. G. KETKAR, J.)

Minal Parab