

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 218 OF 2017

EMILIO CARLOS ANTONIO JUDE THADEUS
COSTA MARTINS., ... Petitioner

Versus

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

Mr. R.J. Pinto, Advocate for the Petitioner.

Mr. Ajit R. Kantak with Ms. Rajas Kantak, Advocates for the Respondents.

Coram:- C. V. BHADANG, J.

Date:- 23rd January 2018

P.C.:

The challenge in this petition is to the order dated 08.11.2017, passed by the learned Magistrate on an application (Exhibit-D/115) under Section 125(3) of the Code of Criminal Procedure (Cr.P.C., for short).

2. Although, it was submitted by the learned Counsel for the petitioner, before this Court on 02.01.2018 that there is an order directing imprisonment of the petitioner, no such order was pointed out during the course of the argument at bar. The learned Counsel now submits that the only order passed, on the application (Exhibit-D/115) filed by the respondent no. 1, is of issuing show cause notice to the petitioner. It is also not

disputed that there is separate order passed by the learned Magistrate on 01.11.2017, directing attachment and sale of movable properties of the petitioner for recovery of the arrears of maintenance of Rs.4,60,000/-. The learned Counsel for the petitioner also submits that this order has been challenged by the petitioner before the learned Sessions Judge in a criminal revision application, which is pending.

3. Thus, for the present, it is clear that the only order challenged is in respect of issuance of show cause notice to the petitioner, passed on application (Exhibit-D/115). The challenge, in my considered opinion, cannot be accepted. The petitioner would be in a position to file a reply and to raise all such contentions, as may be available to him in law. No case for interference is made out. The petition is accordingly dismissed.

4. Needless to mention that the interim protection granted on 02.01.2018 is hereby vacated. The Magistrate shall decide the main application as expeditiously as possible and preferably by 31st March 2018. Parties to co-operate for early disposal of the application. Rs.1,00,000/- out of Rs.2,00,000/- deposited by the petitioner, shall be paid to the respondent no. 1 towards maintenance and expenses incurred for respondent no. 2. The remaining amount of Rs.1,00,000/- shall be held in Fixed Deposit, subject to further orders, as may be passed by the

learned Magistrate.

C. V. BHADANG, J.

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