

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

WRIT PETITION NO. 722 OF 2018

Rupesh Ashok Sharma

... **Petitioner**

V/s.

The State of Maharashtra and Anr. ... **Respondents**

Mr. Yatin Shah for the Petitioner.

Mr. P.H. Gaikwad, APP for the Respondent No.1.

Mr. Prashant Pandey for the Respondent No.2.

CORAM : BHARATI H. DANGRE, J.

DATE : 05th APRIL, 2018

P.C.:

. The Additional Sessions Judge, Dindoshi Court, Mumbai has passed an Order on 11.01.2018, thereby reducing the amount of maintenance awarded by the Metropolitan Magistrate, Andheri, Mumbai from an amount of Rs.30,000/- to Rs.20,000/-. While passing the order on 11.01.2018, the Additional Sessions Judge has clearly observed that the interim maintenance os reduced to Rs.20,000/- per month subject to condition that Appellant do pay the entire arrears within a month to the Respondent No.2 and also pay the monthly maintenance till further orders of the Trial Court. The learned Counsel for the Respondent makes a categorical statement that the amount has not been paid in terms of directions of Additional Sessions Judge. However, the learned Counsel

for the Petitioner has tendered a chart reflecting the details of payment and according to him, till date total amount of Rs.2,00,000/- have been paid to the Respondent and the same has been deposited in her account. However, the learned Counsel for the Petitioner graciously submits that an amount of Rs.1,20,000/- is due. On instructions from the Petitioner, he makes a categorical statement that the said amount would be deposited within a period of one month. Let the undertaking be complied and the amount be deposited within a period of one month. The regular amount of maintenance should also be continued to be paid till the disposal of the proceeding by the Trial Court.

2 The parties are ad-idem that, the proceeding before the Trial Court are at the fag end and the evidence affidavit has been tendered on record. The learned Metropolitan Magistrate, Andheri Court is directed to expedite the proceedings and would make an endeavour to complete the same by 31.08.2018.

3 In light of the undertaking submitted to this Court, the Respondent should not take any coercive steps for a period of one month only.

4 With these directions, the Criminal Writ Petition is disposed off.

(BHARATI H. DANGRE, J.)