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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.1887 OF 2018

Ramgopal Pyarelal Awasthi	..Petitioner.
V/s.	
The State of Maharashtra & Ors.	..Respondents.
None for the petitioner.	

CORAM: M.S.SONAK, J.

DATE : DECEMBER 12, 2018

P.C.:-

None present for the petitioner.

2. The challenge is to the award of maintenance at the rate of Rs.3,000/- each to respondent Nos.2 and 3 by the trial Court. This award was confirmed by the Sessions Court.

3. On July 11, 2018 this Court passed the following order :-

“ Not on Board. At the request of Mr. Chandan, learned Counsel for the petitioner, taken up in the production Board.

2. *By this Petition under Article 227 of the Constitution*

of India, petitioner has challenged the order dated 05.06.2013 passed by the learned Judicial Magistrate First Class, Ulhasnagar in Miscellaneous Application No.277 of 2009 as also the judgment and order dated 28.02.2018 passed by the learned Additional Sessions Judge, Kalyan in Criminal Revision No.94 of 2013. By these orders, the Courts below allowed the application made by the respondents No.2 and 3 and directed the petitioner herein to pay amount of Rs.3,000/- each per month as maintenance to them from the date of filing of the application. The petitioner is also directed to pay costs of Rs.2,000/- to respondents No.2 and 3.

3. On instructions, Mr. Chandan states that petitioner is in arrears of Rs.3,00,000/- approximately and assures that within two weeks from today, petitioner will deposit entire arrears of maintenance in this Court.

4. In view thereof, subject to the petitioner depositing entire arrears of maintenance in this Court within two weeks from today, there shall be ad-interim order in terms of prayer clause (d). It is made clear that if the petitioner does not deposit the arrears within the stipulated period, ad-interim order shall stand vacated without further reference to the Court.

5. List the Petition for 'admission' on 25.07.2018."

4. The record indicates that the petitioner has not deposited the amount and, therefore, even the writ has not been issued to the respondents.

5. Today, neither the petitioner nor his advocate are present. In the circumstances, it is reasonable to proceed on the basis that this petition was filed only to delay the execution of maintenance order. Even otherwise, on perusal of grounds this does not appear to be a fit case for exercising jurisdiction under Article 227 of the Constitution of India.

6. The petition is therefore, dismissed.

7. There shall be no order as to costs.

(M.S.SONAK, J.)