

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

CRI. REVISION APPLICATION NO.517 OF 2015

Rajesh Chanderlal Rohra & Anr. .. Applicants

Vs.

Simran @ Lavina Rajesh Rohra & Anr. .. Respondents

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Mr.Mohammed Umar Kazi, Advocate for the Applicants.
Mr.Vinod N. Tayade, Advocate for Respondent No.1.
Ms.Neeta S. Jain, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATED : FEBRUARY 23, 2018.

P.C. :

Applicants have preferred an Appeal before the Sessions Court viz. Criminal Appeal No.18 of 2015, challenging the order dated 18th December, 2014, passed by the learned Judicial Magistrate First Class, Ulhasnagar in M.A.No.330 of 2013. The applicant was directed to pay an amount of Rs.3,000/-, per month to the respondent – wife towards maintenance from the date of application. During the pendency of the Appeal before the Sessions Court, the applicant preferred an application for stay of the operation of the order dated 18th December, 2014. The said application was rejected by order dated 28th September, 2015. Hence, applicants approached this Court by preferring the

present application.

3 During the pendency of this application, this Court had granted stay subject to the applicant depositing an amount of Rs.30,000/- towards maintenance in the Registry of the Appellate Court in Criminal Appeal No.18 of 2015, within a period of two weeks from the date of the said application. Applicants have complied the said order by depositing an amount of Rs.30,000/-. Learned advocate for the applicants submitted that in pursuant to depositing an amount of Rs.30,000/-, applicants have deposited an amount of Rs.10,000/-, in April 2010 and further Rs.8,000/-, before the Appellate Court.

4 Learned advocate further submitted that the applicants shall deposit an amount of Rs.20,000/-, within a period of four weeks from today.

5 Learned advocate for the respondents submitted that the total arrears towards the maintenance comes to the tune of Rs.95,000/-, and the applicants be directed to deposit the entire amount of Rs.95,000/-. It is submitted that the applicants were directed to pay a small amount of Rs.3,000/-, per month and the Appeal preferred by the applicants is devoid of merits.

6 It is noted that this Court vide order dated 20th April, 2016, had granted stay. It is pertinent to note that the amount of Rs.30,000/-, as directed by this Court has been deposited by the applicants and, thereafter, he has deposited an amount of Rs.18,000/-, before the Appellate Court. Appeal is pending before the Sessions Court and the same is required to be decided on merits.

7 In the circumstances, I pass the following order:

:: ORDER ::

- (i) During the pendency of Criminal Appeal No.18 of 2015, pending before the Sessions Court at Kalyan, the operation of the impugned order dated 18th December, 2014, shall stand stayed subject to the applicants depositing an amount of Rs.20,000/-, within a period of four weeks from today;
- (ii) Respondent No.1 is permitted to withdraw the amount deposited by the applicant;
- (iii) Criminal Revision Application stands disposed of.

(PRAKASH D. NAIK, J.)