

Sarnobat

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

**CRIMINAL APPLICATION NO. 648 OF 2017
IN
CRIMINAL REVISION APPLICATION NO. 291 OF 2016**

Samina Ayubkhan Mazgaonkar.
Vs.

.. Applicant.

Ayubkhan Ibrahim Mazgaonkar,
& Ors.

.. Respondents

Mr. Nikhil Patil i/b P.K. Jadhav for the Applicant in Cri.Appln. No.648/17.
Mr.Hemant V. Kenjalkar for the Applicant in Cri.Revn.Appln. No.291/16.
Ms. R. M. Gadhvi, APP for the State.

CORAM : PRAKASH D. NAIK, J.

DATE : 22nd JANUARY, 2018.

P. C. :

1. This is an application preferred by the original respondent - wife seeking withdrawal of the amount of Rs.50,000/- deposited by the revision applicant in compliance with the order dated 29th August, 2016 passed by this Court in the revision application.

2. The revision application has been admitted. The applicant was directed to deposit the aforesaid amount. The learned advocate for the applicant submitted that the applicant is entitled for maintenance and therefore, the amount may be permitted to be withdrawn by applicant. The applicant also prayed that the revision application be fixed for final

hearing.

3. The learned advocate for the revision applicant submitted that the order of maintenance is under challenge on the ground that the application seeking maintenance itself was not maintainable in law, as the earlier application was compounded/settled and the said settlement was complied with.

4. Considering the nature of issues involved in the revision application, it would be appropriate to fix the main matter for final hearing. Hence, I pass the following order.

I) Criminal Revision Application No.291 of 2016 may be listed on the final hearing board commencing from 5th February, 2018.

ii) The application stands disposed of.

[P. D. NAIK , J.]