

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.5156 OF 2017**

Shrikant Subhash Patil

.... Petitioner

Vs.

1. Smt. Sharmila Shrikant Patil

2. Kumar Tushar Shrikant Patil

3. The State of Maharashtra

.... Respondents

Mr. Ramesh Majgaonkar for Petitioner.

Mr. S.S. Hulke, APP for the State.

Coram : NITIN W. SAMBRE, J.

Date : 18th December 2019

P.C.:

1. The order of maintenance dated 27th January, 2011 ordering maintenance of Rs.1500/- to the wife and Rs.1,000/- to the son, is not set aside by any of the Court. Since the petitioner failed to honour the said amount of maintenance, the learned Magistrate on 18th May, 2017 directed the deduction of arrears from the salary of the petitioner, which order is questioned in the present petition.

2. The submissions are, the petitioner is getting net salary of Rs.7,098/-. That being so, deduction of amount of Rs.8,000/- would leave nothing to survive for the petitioner.

3. I have perused pay-slip of the petitioner for the month of August, 2017. The deductions in the salary are self created liability by the petitioner as he has taken loan from the Society.

4. In the aforesaid background, since the petitioner has created self liability of loan, he cannot be permitted to frustrate the order of the learned Magistrate.

5. In that view of the matter, no interference is called for. The petition fails. Dismissed.

(NITIN W. SAMBRE, J.)