

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

CRIMINAL REVISION APPLICATION NO.93 OF 2017

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr.Aslam Malik for the applicant
Mr.Khan Ishrat Ali Azhar Ali for the respondent nos.1 to 5

**CORAM : K. K. TATED, J
DATE : AUGUST 1, 2019**

P.C.:

. Heard.

2 By this Revision Application, Applicant's main grievance is that the learned Metropolitan Magistrate, 57th court, Kurla, Mumbai by its order dated 17.9.2016 awarded sum of Rs.7,000/- per month as interim maintenance from the date of Application i.e. 19.12.2015 instead of CC No.122/DV/2015 which was filed on 28.4.2015.

3 The learned counsel for the applicant further submits that the said order was

challenged by the Respondent before the appellate court i.e. in the court of Sessions for Bombay at Bombay by filing Criminal Appeal No.822 of 2016. He submits that appellate court reduced interim maintenance from Rs.7,000/- to Rs.5,000/- per month. He submits that Respondents are liable to pay interim maintenance of Rs.5,000/- per month from the date of filing main Application i.e. 28.4.2015 and not from the date of interim Application which was filed by the Applicant on 19.12.2015.

4 The learned counsel for the Applicant submits that Applicant may be permitted to withdraw the present Criminal Revision Application with liberty to file appropriate Appeal before the Sessions Court to raise the objection about the date of payment of maintenance charges from 28.04.2015 instead of 19.12.2015. To that effect, he has given in writing. Same is taken on record and marked 'X' for identification. Same is accepted.

5 Criminal Revision Application stands dismissed as withdrawn with liberty as prayed.

(K.K.TATED, J.)