

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APL) NO. 234/2019

Mrs. Sanobar Kais Gilani & anr.

..VS..

Kais Akbarali Gilani

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri R.M. Pande, Advocate for the applicant(s)

CORAM : Z.A.HAQ, J.
DATED : 04/03/2019

The applicants had filed application under Section 125 of the Code of Criminal Procedure in which an interim order is passed directing the non-applicant to pay Rs. 15,000/- per month towards maintenance for the applicant no. 2. This order is challenged by the non-applicant before the Sessions Court in revision. In this revision, the learned Sessions Judge has passed the impugned order staying the effect and operation of the order passed by the learned Magistrate, however, on condition that the non-applicant deposits 25% of the amount of arrears of maintenance within two weeks. The applicants are aggrieved by the order passed by the learned Sessions Judge.

According to the applicants, the order passed by the learned Magistrate directing the non-applicant to pay maintenance to the applicant no. 2 should not have been stayed, and if at all the learned Sessions Judge felt that it should be stayed, the non-applicant should have been directed to deposit the entire amount as per the order passed

by the learned Magistrate. It is submitted that the applicant no. 2 is having health issues and substantial amount is required for her treatment. It is further submitted that the conduct of the non-applicant is on record, and the non-applicant is not entitled for any discretionary relief as he avoided to provide maintenance to the applicant no. 2.

Be that as it may, as the revision application filed by the applicants is pending before the Sessions Court, in my view, it would not be proper to delve into the merits of the matter. It is submitted that the non-applicant has deposited amount of Rs. 83,000/- as per the order passed by the learned Sessions Judge. In these facts, the interests of justice would be sub-served by directing the learned Sessions Judge to dispose the revision application pending before him till 15/04/2019.

With the above directions, the criminal application is **disposed**. No costs.

JUDGE

Ansari