

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

CRIMINAL WRIT PETITION NO.658 OF 2018

(Abdul Lateef s/o Abdul Rauf Vs. Saleha Amrin w/o Abdul Latif and another)

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

Court's or Judge's orders.

Shri Sk. Sibhatulla Jagirdar, Advocate for Petitioner.
Shri M. Badar, Advocate for Respondents.

CORAM: ROHIT B. DEO, J.

DATE: 1st JULY, 2019.

Heard.

2] The petitioner – husband was directed to pay maintenance under the provisions of the Domestic Violence Act ('D.V. Act') by the judgment dated 04.02.2017 rendered by the learned Magistrate in Miscellaneous Criminal Application 877 of 2015.

3] The petitioner was directed to pay Rs.3000/- per month to respondent 1 – wife and Rs.5000/- per month to the child who concededly is physically challenged.

4] By the order impugned, the learned Sessions Judge, Akola has refused to stay the judgment of the learned Magistrate.

5] The petition is absolutely unmerited. The learned

Sessions Judge did not commit any error in declining to stay the judgment of learned Magistrate which directed the petitioner husband to pay maintenance to his wife and child.

6] Moreover, it is stated that out of the arrears of Rs.6,13,000/- approximately, all that is deposited in this Court is Rs.50,000/-.

7] I do not see any reason to exercise writ jurisdiction or to invoke inherent powers. The petitioner husband is certainly in contempt. I asked the petitioner husband to show *bona fide* by depositing at least 50% of the amount of arrears. The learned counsel Shri Jagirdar who appears on behalf of the petitioner – husband states that the petitioner is not in a position to do so.

8] The petition is dismissed.

9] The respondent 1 – wife is permitted to withdraw the amount of Rs.50,000/- deposited in this Court. The registry shall not insist on any bond or surety.

10] The learned counsel for the wife states that execution proceedings are pending. If the execution proceedings are pending, the executing Court shall finally decide the same within three weeks. It is stated that the petitioner husband is avoiding service. The Superintendent

of Police, Akola is directed to personally ensure that the notice of the execution is served on the petitioner husband within a week from today.

11] The learned APP Shri C.A. Lokhande is requested to bring this order to the notice of the Superintendent of Police, Akola.

12] The parties to act on steno copy.

JUDGE

NSN