

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

CRIMINAL APPLICATION (APPP) NO.1292/2019 IN
CRIMINAL APPLICATION NO.792/2018

Nilesh s/o Hiranman Bakde .vs. Sau. Manisha w/o Nilesh Bakde

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

Court's or Judge's orders.

Mr. I. S. Charlewar, Advocate for applicant.
Mr. Anant Krishnan, Advocate for non applicant.

CORAM : V. M. DESHPANDE, J.
DATED : OCTOBER 16, 2019

Heard Mr.Charlewar, learned counsel for applicant and Mr. Anant Krishnan, learned counsel for non applicant.

Applicant is husband of non applicant. Applicant approached this Court by filing an application under Section 482 of the Code of Criminal Procedure, challenging order passed by learned Judicial Magistrate First class, Gadchiroli in Misc. Criminal Application No.5/2015, together with order passed by learned Sessions Judge, Gadchiroli in Criminal Appeal No.10/2017.

This Court (Coram: Z. A. Haq, J.), initially granted interim relief on 18.02.2019

On 26.04.2019, this Court (Coram: Rohit B. Deo, J.) directed present applicant to deposit the entire arrears of maintenance due and payable to the non applicant-wife in view of order dated 16.01.2017, passed by learned Judicial Magistrate First Class, Gadchiroli. It was observed in the order dated 26.04.2019 that if arrears are not deposited

within two weeks, the application shall stand dismissed without further reference to the Court.

Though, applicant has enjoyed interim relief in his favour, he did not deposit the arrears of maintenance amount. Consequently, in view of order dated 26.04.2019, the application was dismissed.

The present application is filed for restoration by recalling order dated 26.04.2019, Mr. Charlewar, learned counsel for applicant, submits that applicant has given instructions that he is not able to deposit arrears as directed by this Court.

Since applicant has already enjoyed the fruits of interim order and he is not following the orders passed by this Court, the applicant has no right to claim any relief from this Court. Hence, the application is rejected.

It is open for the non applicant-wife to take immediate steps for recovery of the maintenance amount.

JUDGE