

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

27 CRIMINAL WRIT PETITION NO.1523 OF 2020

SMT. SHAILA VASANT THORAT
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Arvind G. Ambetkar.

APP for Respondent/State: Mr. B. V. Virdhe.
...

CORAM : T. V. NALAWADE &
M. G. SEWLIKAR, JJ.

DATE : 04th December, 2020.

PER COURT:

. Heard the learned counsel for Petitioner. It appears that the wife had filed proceeding under Section 125 of the Code of Criminal Procedure. The said proceeding is decided and maintenance is also awarded. The Petitioner fears that her husband, who retired recently, may dispose of the property including pension amount, gratuity and provident fund and she may be deprived of the benefit of the maintenance order. When there is maintenance order, the procedure as given under Sections 125 to 128 of the Code of Criminal Procedure needs to be followed. The learned Judicial Magistrate First Class has ample power to execute the order of maintenance by passing orders of attachment. In view of these circumstance and as

this Court is not expected to enter into factual aspects and this Court is not expected to exercise original jurisdiction in such matters, this Court holds that the relief claimed cannot be given in this matter. The petition is disposed of with aforesaid observations.

[M. G. SEWLIKAR, J.]

[T. V. NALAWADE, J.]

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