

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

CRIMINAL REVISION APPLICATION NO.19 OF 2020

Mr.Nitin Prakash Lalwani
Through His POA Holder
Prakash Lalwani

..Applicant

V/s.

Mr.Komal Nitin Lalwani & Anr.

..Respondents

Ms.Sangeeta S. Salvi for the Applicant.

Mrs.A.A. Takalkar, APP for Respondent-State.

CORAM : C.V. BHADANG, J.

DATE : 12th MARCH 2020

P.C.

1. Heard learned counsel for the applicant.

2. The challenge in this petition is to the order dated 09th April 2018 at Exhibit-5 passed by the learned Judicial Magistrate First Class at Pimpri, Pune in Miscellaneous Criminal Application No.647 of 2017.

3. By the impugned order the learned Magistrate has granted interim maintenance of Rs.30,000/- per month against the petitioner and in favour of the respondent No.1, from the date of the

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original application i.e. 10th July 2017. The applicant has also been directed not to indulge in any acts of domestic violence against respondent No.1. The challenge is principally to the order granting interim maintenance. It is a matter of record that the petitioner challenged order passed by the learned Magistrate in Criminal Appeal No.433 of 2018 before the learned Additional Sessions Judge, Pune and that appeal has been dismissed on 27th September 2019 *inter alia* on the ground that it is not filed within the limitation as prescribed under Section 29 of the Protection of Women from Domestic Violence Act ('Act' for short).

4. On hearing the learned counsel for the petitioner it transpires that the petitioner is working in Netherlands and as per the documents produced along with the petition he is earning 24,300/- Euros. The learned counsel for the petitioner states that in rupee terms the earnings of the applicant is approximately Rs.2 lakhs per month. She however has pointed out to a notice dated 01st October 2017 in order to submit that in the year 2017 the petitioner was laid off on account of the situation prevailing post Hurricane Irma. It is not the case made out that the petitioner is still under the layoff.

5. A specific query was made to the learned counsel for the petitioner as to whether the respondent No.1 is engaged in any job or is earning. In all fairness the learned counsel for the petitioner states that there is no documentary proof above the respondent No.1 having engaged in any job or about her earnings.

6. The main application-complaint filed by the respondent under the provisions of the said act is still pending before the learned Magistrate. The present petition arises only out of the interim order. It also transpires during the course of the hearing at bar that the petitioner has not complied with the said order from April 2018. Having gone through the impugned orders passed I do not find that any case for interference in the supervisory jurisdiction under Article 227 of the Constitution of India is made out. The petition is without any merit and it is accordingly dismissed.

C.V. BHADANG, J.