

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

CRIMINAL APPLICATION NO. 584 OF 2021

Ravi Ramesh Samtani

....Applicant

V/s.

Simran Ravi Samtani

and anr.

.....Respondents

* * * *

Mr. Rahul Agarwal, Advocate for the applicant.

Mr. Prashant Pandey a/w. Ms. Manpreet Putiani i/by.
WE Legal LLP, Advocate for respondent no.1.

Mr. S.S. Hulke, APP for State.

Coram : Sandeep K. Shinde, J.

Tuesday, 21st September, 2021.

P.C.:

1. Heard.

2. At the outset, learned Counsel for the applicant seeks leave to delete, ground No.(iii) on page-27 of the application. Leave granted. Amendment to be carried out forthwith.

3. Aggrieved by order dated 3rd March, 2021 below Exhibits-50 and 64 in C.C. No.21/DV/2019 the learned Metropolitan Magistrate, 40th Court, issued Distress

Warrant against the applicant (respondent therein) for recovery of educational expenses. Feeling aggrieved by the said order, the applicant has preferred Criminal Appeal No.96/2021. In the said Appeal, an application (Cri.Misc.Application No.544/2021) was moved seeking stay of execution of Distress Warrant. The Learned Sessions Judge declined to stay the Distress Warrant in absence of reply filed by the respondent (wife therein). Feeling aggrieved by the order passed by the learned Additional Sessions Judge, applicant has invoked inherent jurisdiction of this Court.

4. Learned Counsel for the parties submitted that Criminal Appeal and applications therein are scheduled for hearing before the learned Additional Sessions Judge on 27th September, 2021.

5. In consideration of these facts, keeping all contentions open, the parties are relegated to the learned Sessions Judge to address the Court on the order issuing Distress Warrant for recovery of educational expenses.

6. Application is disposed of in the aforesaid terms.

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(Sandeep K. Shinde, J.)