

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1933 OF 2023

Suresh Baburao Kadam	...Petitioner
V/s.	
Savita Suresh Kadam And Anr	...Respondents

Tanvi G. Tapkire for the Petitioner

Mrunmayi Khambete i/b. Ajay Joshi for Respondent.

Ms. S. S. Kaushik, APP for the State.

CORAM : RAJESH S. PATIL, J.

DATED : 30th NOVEMBER, 2023

P.C.:

1. This Criminal Writ Petition challenged by the Petitioner/husband, the order passed by Judicial Magistrate First Class, Atpadi, which has confirmed by Sessions Judge, Sangli.

2. As per order of this Court dated 27 October 2023, this Court had granted time to the Petitioner/Husband to deposit the outstanding amount. The order dated 27 October 2023 reads as under :

“1. Ms. Tanvi Tapkire, Advocate for the Petitioner states that her client Petitioner has deposited certain amount with JMFC, Atpadi. However, the sum of Rs.1,85,600/- is outstanding as of October, 2023. The Advocate for the Petitioner further states that her client is willing to deposit this outstanding

amount. However, her client is working in the Tahasil Office, and requires time till 1 January, 2024 to clear the entire outstanding amount by depositing it in the lower Court, for depositing the balance amount.

2. Advocate for the Respondents seeks sometime, to take instructions from her client.

3. Stand over to 30 November, 2023.”

3. Today learned counsel appearing for the Petitioner submits to this Court as per the direction given by this Court, the Petitioner has deposited part amount i.e., Rs.62,700/- before the JMFC, Atpadi.

4. Petitioner's counsel admit that around Rs.65,000/- is outstanding as of today. She further seeks indulgence of this Court that if the Petitioner is granted some time till 1 February 2024, he will clear the entire outstanding amount by transferring the same in the account of Respondent No.1 (Savita Suresh Kadam). She further submits that thereafter, Petitioner would pay the maintenance amount directly in the bank account of Respondent No.1. She further submits that in view of the same the present Writ Petition can be disposed of.

5. As the Petitioner has deposited the substantial amount

before the JMFC Atpadi and are ready to clear the entire outstanding amount as of 1 February 2024. This Writ Petition can be disposed with following direction :-

(i) Petitioner is granted time till 1 February 2024 to directly deposit in the bank account of Respondent No.1 (Savita Suresh Kadam) the entire outstanding amount as of 1 February 2024.

(ii) Petitioner would thereafter every month before 10 day of the month deposit in the bank account of Respondent No.1, the maintenance amount as mentioned in the impugned order.

(iii) if there is any default on the part of Petitioner in depositing the outstanding amount or if there are any two defaults after 1 February 2024, the amount already deposited would stand forfeited and the impugned order would stand revived.

6. This directions are only regarding to maintenance pertaining to Criminal Miscellaneous Application No.22/2014. This Court has not dealt with issue of maintenance amount involved in any other proceedings.

7. This Criminal Writ Petition is accordingly disposed of.

(RAJESH S. PATIL, J.)