



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 563 OF 2023

Ajit Kama Shirsath

.Petitioner

Vs.

The State of Maharashtra & anr.

.Respondents

Ms. Bhagyashri Gawas i/b. Mr. R. S. Dubey, Advocate, for the
Petitioner

Ms. Rimpal Trivedi a/w. Ms. Harshida Bhanushali, Advocate, for
Respondent No. 2

CORAM : MADHAV J. JAMDAR, J.

DATE : 10.10.2023

P. C.

1. The challenge in the Writ Petition is to the order dated 16.12.2022, by which learned Additional Sessions Judge, City Civil and Sessions Court, Greater Bombay refused to grant any ad-interim order in Cri. Appeal No. 628 of 2022. In the said Cri. Appeal No. 628 of 2022, challenge is to the legality and validity of the order dated 04.10.2022 passed by learned Metropolitan Magistrate, 64th Court, Esplanade, Mumbai, by which interim maintenance of Rs. 10,000/- was granted and Rs. 5,000/- was directed to be paid as interim amount towards medical expenses.

2. Ms. Gawas, learned counsel appearing for the Petitioner fairly states that said Cri. Appeal No. 628 of 2022 has been finally disposed of vide Judgment and Order dated 07.07.2023 passed by learned Additional Sessions Judge, City Civil and Sessions Court, Greater Bombay and the said Cri. Appeal No. 628 of 2022 was dismissed. She further states that certain amount is deposited in this Court pursuant to the order dated 13.02.2023.

3. Thus, nothing survives for consideration in the present Petition, as it has become infructuous.

4. Respondent No. 2 - wife is permitted to withdraw the amount which has been deposited in this Court after a period of eight weeks. The above direction to withdraw the amount granted in favour of Respondent No. 2 will be subject to further orders that will be passed in a fresh Petition filed by the Petitioner challenging the legality and validity of the order dated 07.07.2023 passed by learned Additional Sessions Judge, City Civil and Sessions Court, Greater Bombay in Cri. Appeal No. 628 of 2022.

5. It is clarified that if no such Writ Petition is filed and no interim order is passed in such Writ Petition within a period of eight weeks then the amount deposited in this Court be paid to Respondent No. 2 – wife along with accrued interest, if any.

6. The Writ Petition is disposed of in above terms with no order as to costs.

(MADHAV J. JAMDAR, J.)