

VRJ

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

WRIT PETITION NO.1179 OF 2019

Sourabh Shilwant Ghodake ... Petitioner

V/s.

Samita Sourabh Ghodake & Ors. ... Respondents

Mr. Prasad P. Kulkarni for the petitioner.

Ms. Kalyani Mangana i/by V.V. Purwant for the
respondent No.1.

Mr. A.R. Patil, APP for the State.

CORAM : AMIT BORKAR, J.

DATED : MARCH 28, 2023

P.C.:

1. By consent of the parties following order is passed.
2. The impugned judgment and orders passed by the learned District Judge-13, Additional Sessions Judge, Pune dated 23rd January 2019 in Criminal Appeal No.131 of 2018, setting aside judgment and order below Exhibit-5 dated 12th January 2018 in Criminal Miscellaneous Application No.1900 of 2017 is quashed and set aside.
3. Parties shall file affidavit of assets and liability as per the judgment in the case of **Rajnish vs. Neha**, reported in (2021) 2 SCC 324.
4. Learned Judicial Magistrate First Class shall decide the

application of respondent No.1 for maintenance afresh.

5. During pendency of the application, the applicant shall continue to pay amount of interim maintenance as directed by the impugned order.

6. However, it is made clear that the quantum of maintenance shall be decided by the Magistrate uninfluenced by fact of direction to pay as per impugned order.

(AMIT BORKAR, J.)