

Dusane

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

**CRIMINAL REVISION APPLICATION NO.116 OF 2023
WITH
INTERIM APPLICATION NO.2495 OF 2023
AND
INTERIM APPLICATION NO.3822 OF 2023**

Rahul Govindsing Patil ...Applicant

V/s.

Mrs. Priyanka Rahul Patil ...Respondent

Mr. Akshay Dunde i/by Expert Jurist LLP for
Applicant in Revision Application and for
Respondent No. 1 in IA.

Mr. Nikhil G. Hire for Applicant in IA and for
Respondent No. 1 in Revision Application.

Mr. Y.Y. Dabke, APP for State.

**CORAM: MADHAV J. JAMDAR, J.
DATE: 20th October 2023**

P.C.:

1. Heard Mr. Dunde, learned Counsel appearing for the
Applicant and Mr. Hire, learned Counsel appearing for
Respondent No. 1.

2. The Applicant, by way of present Criminal Revision
Application has challenged legality and validity of order dated
12th January 2023 passed by learned District Judge-II,

Malegaon, District Nashik, by which the order dated 9th November 2022 passed by learned 3rd Additional Chief Judicial Magistrate, Malegaon, District Nashik is stayed on the condition of Applicant's depositing 50% of the amount as directed by said order dated 9th November 2022.

3. The learned 3rd Additional Chief Judicial Magistrate by order dated 9th November 2022 directed payment of interim maintenance @ Rs.15,000/- per month.

4. The learned 3rd Additional Chief Judicial Magistrate in the said order dated 9th November 2022 has observed that the salary certificate shows that the Petitioner is receiving salary of Rs.75,168/- per month. It is further stated that considering that the expenses as contended by the Applicant, the same are about Rs.81,834/- per month and same case is disbelieved, as the monthly salary of the Petitioner is only Rs.75,168/-. It has been further observed in the said order dated 9th November 2022 that the same shows that there is an other source of income apart from salary.

5. By the impugned order dated 12th January 2023 of the learned District Judge, stay has been granted to the order of maintenance on the condition of depositing 50% of the amount. It is the contention of learned Counsel appearing for the Applicant that the wife is conducting a business of selling sarees

from the residential premises, however, nothing is on record to substantiate said contention.

6. In any case, by the impugned order, only 50% of the amount is directed to be deposited. The learned Advocate appearing for the Petitioner states that by order dated 4th May 2023, this Court has directed deposit of 50% of the arrears in this Court. Accordingly, the Applicant has deposited amount of Rs.1,05,000/- in this Court, i.e. the arrears still 4th May 2023. Respondent No. 1 is allowed to withdraw the said amount deposited in this Court. Learned Counsel appearing for the Respondent- Mrs. Priyanka Patil to furnish account number of Mrs. Priyanka Patil to the Registry and thereafter the Registry to take steps to transfer said amount with accrued interest in the account of Respondent- Priyanka Rahul Patil @ Priyanka Bhaskar Mohadkar.

7. The Criminal Revision Application is disposed of in above terms, with no order as to costs.

8. In view of disposal of the Criminal Revision Application, nothing survives in the Interim Applications and the same are also disposed of.

(MADHAV J. JAMDAR, J.)

Note : Corrected as per speaking to minutes order dated 30th November 2023.

BHALCHANDRA
GOPAL
DUSANE

Digitally signed by
BHALCHANDRA
GOPAL DUSANE
Date: 2023.12.15
15:28:27 +0530