

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.227 OF 2022

Amit Manoharlal Lulla

... Applicant

V/s.

Tiana Amit Lulla alias Rashmi Ashok
Sharma and Anr.

... Respondents

Mr. Akash Sonawane a.w Mr. Shailesh Chavan, Advocate for the
Applicant.

Ms. Minal chandani a/w Veena Gyanchandani, Advocate for
Respondent.

Mr. N. B. Patil, APP for the Respondent/State.

CORAM : RAJESH S. PATIL, J.

DATED : 6 NOVEMBER 2023

PC.:

1. This Criminal Revision Application is filed for challenging the order dated 26 November 2021, passed by the District and Sessions Judge, Kalyan in Criminal (DV) Appeal No.06 of 2021.

2. The Sessions Court, Kalyan by its order dated 26 November, 2021 dismissed the Appeal filed by the present Applicant thereby confirming the order passed by Judicial Magistrate First Class, Kalyan who had directed Applicant (Husband) to pay Rs.15,000/- per month from the date of the Application till realization, as well had directed to pay Rs.3,000/- towards rent accommodation and Rs.50,000/- towards deposit of alternate accommodation. The counsel for the Respondent No.1 submits that till today only

Rs.5,000/- has been paid by the Applicant (Husband). Therefore, the outstanding amount as of today is Rs.11,00,000/- approximately.

3. On the last date of the hearing, counsel appearing for the Applicant had assured this Court that by Saturday 4 November 2023, just to show bonafide, the Applicant will deposit Rs.1,15,000/-, and the Applicant will also remain present in this Court on 6 November, 2023.

4. Today Mr. Akash Sonawane informs this Court that his client has gone to Delhi for a business tour and he was unable to deposit even sum of Rs.1,15,000/-

5. The Advocate for the Applicant further submits that there are expenses borne by his client including that of paying salaries to three employees. So also, he has his own personal expenses therefore, his client was not able to comply with the direction given by this Court.

6. Learned counsel for the Applicant further submits that his client is not owning any car as of today but has only a two wheeler, i.e. 'Royal Enfield bullet'.

7. Advocate for the Applicant further states that if a time of one week is granted, he can deposit only a sum of Rs.1.5 lakh to 2 lakh.

8. I am not convinced with the submission made by the Advocate for the Applicant as even though on the last occasion, a chance was given to the Applicant to show is *bonafide*. He was

directed to deposit a sum of Rs.1,15,000/- by Saturday on 4 November, 2023 and was directed to remain present in this Court. The Applicant has today not remained present in the Court and also not deposited any sum of amount.

9. The Advocate for the Respondent No.1 has also pointed out to this Court that arrest warrant was issued against the Applicant on 7 October, 2023. However, the concerned Police Station i.e., Ulhasnagar Police Station, has not as of now executed the said warrant. Ulhasnagar Police station should immediately execute the warrant and report to the concerned court immediately.

10. In view of the same, the present Criminal Revision Application is dismissed. No costs.

(RAJESH S. PATIL, J.)