

Arjun

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

WRIT PETITION NO.2598 OF 2022

Mr. Harsh Vinod Sachdev

...Petitioner

V/s.

Mrs. Shaleen Sachdev
(nee Shalin Multani) & Anr.

...Respondents

Mr. D. A. Nalavade a/w Siddhikesh Ghosalkar i/b Nikhil Mengde, for the Petitioner.

Mr. Ibrahim Shaikh, for Respondent No.1.

Mr. M. G. Patil, APP, for the Respondent-State.

**CORAM : MADHAV J. JAMDAR, J.
DATED : OCTOBER 13, 2023**

P.C.:

1. Heard Mr. Nalavade, learned counsel appearing for the Petitioner, Mr. Shaikh, learned counsel appearing for Respondent No.1 and Mr. Patil, learned APP for the Respondent-State.

2. By the present Writ Petition filed under Article 227 of the Constitution of India the Petitioner is challenging the legality and validity of the order dated 10th March 2022 passed by the learned Additional Sessions Judge, City Civil & Sessions Court, Borivali Division, Dindoshi in Criminal Appeal No.20 of 2022 in C. C. No.336/DV/2018 as well as the legality and validity of the order

dated 20th December 2021 passed by the learned Metropolitan Magistrate, 10th Court, Andheri, Mumbai below application for interim relief in C. C. No.336/DV/2018.

3. By the said order dated 20th December 2021, the present Petitioner has been directed to pay maintenance of Rs.20,000/- per month to the Respondent No.1 and by the said order dated 10th March 2022, the said order dated 20th December 2021 is confirmed by dismissing the Criminal Appeal No.20 of 2022.

4. Undisputedly, the present Petitioner was a Director of “Lexi Private Limited” company having an annual turnover of about Rs.52,00,00,000/- and a net worth of about Rs.1,06,00,00,000/-.

5. It is the contention of Mr. Nalavade, learned counsel appearing for the Petitioner that when the Petitioner expressed his desire to marry Respondent No.1, his father did not agree to the marriage. The Petitioner was made to resign from the said Directorship on 21st May 2018 and, thereafter, the marriage was solemnized on 30th June 2018. However, Mr. Nalavade, learned counsel fairly submits that the wedding was held at Grand Hyatt Hotel, Goa and the Petitioner’s father as well as the family of the Respondent No.1 incurred expenses for the said wedding.

6. It is also an admitted position that the Petitioner is residing with his father in his flat. According to the Petitioner, the said flat is of approx. 5,000 sq. ft. and according to the Respondent No.1,

the flat is of 16,500 sq. ft. area. and, admittedly, the same is situated at Pali Hill, Bandra, Mumbai, which is one of the prime locality of Mumbai.

7. The learned Additional Sessions Judge by the order dated 10th March 2022 while dismissing the Appeal has observed that in the assessment year 2018-2019 the Income Tax Return of the Petitioner shows that he has an income of Rs.70,29,107/- per annum i.e. approx. Rs.5,85,760/- per month. Therefore, both the learned Courts rightly disbelieved that the Petitioner is earning a sum of Rs.11,000/- per month. Therefore, this is not a case where, any interference by this Court under Article 227 of the Constitution of India is warranted.

8. Accordingly, the Writ Petition is dismissed, however, with no order as to costs.

9. At this stage, Mr. Nalavade, learned counsel appearing for the Petitioner seeks stay of this order. However, in the facts and circumstances of this case, no stay can be granted.

10. The order dated 9th March 2023 of a learned Single Judge records a statement of the Petitioner that the Petitioner shall deposit Rs.5,00,000/- in this Court without prejudice to the rights and contentions of the Petitioner. Accordingly, the said amount of Rs.5,00,000/- is deposited in this Court.

11. The Respondent No.1 is at liberty to withdraw the said

amount of Rs.5,00,000/- after a period of **four** weeks from today.

[MADHAV J. JAMDAR, J.]

Note : This order is modified as per speaking to the minutes order dated 20th October 2023.