

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

CRIMINAL WRIT PETITION NO.2260 OF 2023

Shilpesh Mukeshbhai Champaneria Petitioner
Versus
Neetu Shilpesh Champaneria
and another Respondents

Mr. Girish Kulkarni, Senior Advocate i/b. Kripashankar N. Pandey a/w. Mrunmai Kulkarni for the Petitioner.

Mr. Rajendra Rathod, Advocate a/w. Sohail Ahmed, Ali Bubere, Umar Dalvi for the Respondent No.1.

Mr. Arfan Sait, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 19th JULY, 2023

P.C. :

1. The Respondent No.1 has filed the proceedings under the Protection of Women from Domestic Violence Act being C.C. No.33/DV/2017 before the Additional Chief Metropolitan Magistrate, 4th Court, Girgaon, Mumbai. In those proceedings, learned Magistrate passed an order dated 23.9.2022 granting interim maintenance and other interim reliefs vide his order passed below Exhibit-3. That order is

challenged by the Petitioner before the Court of Sessions for Greater Mumbai vide Criminal Appeal No.632/2022. In that Appeal, an application for stay of the impugned order of the Magistrate was made. That application was rejected and that order dated 4.5.2023 in Criminal Appeal No.632/2022 pending before the Sessions Court, Mumbai is challenged before this Court. In the meantime, a distress warrant was issued against the Petitioner which is also challenged in the present Petition.

2. Heard Mr. Girish Kulkarni, learned Senior Counsel for the Petitioner, Mr. Rajendra Rathod, learned counsel for the Respondent No.1 and Mr. Arfan Sait, APP for the Respondent-State.

3. Since the Sessions Court is in seisin of the Appeal, at this stage it would not be proper to make any observation on the merits of the matter. However, there appears to be dispute about the exact amount of arrears which are due and payable as of today pursuant to the order passed by learned Magistrate.

4. Learned Senior Counsel appearing for the Petitioner states that the Petitioner shall deposit an amount of Rs.10 Lakhs within a period of one week from today in the account of the Respondent No.1, without prejudice to his contentions. He also submitted that the Petitioner will cooperate for early disposal of the appeal pending before the Court of Sessions.

5. Learned counsel for the Respondent No.1 has filed his affidavit-in-reply, which is taken on record today. He submitted that by way of interim arrangement the Petitioner can be permitted to deposit Rs.10 Lakhs in the account of the Respondent No.1 and the Court of Sessions be directed to decide the Appeal within a period of one month. Considering the stand taken by both learned counsel this course can be adopted.

6. Hence, the following order:

:: O R D E R ::

- i. The Petitioner shall deposit Rs.10 Lakhs within a period of one week from today in the account of the Respondent No.1.
- ii. Based on this statement made by learned Senior Counsel the distress warrant issued against the Petitioner is stayed for a period of one month from today.
- iii. Learned Additional Sessions Judge taking up Criminal Appeal No.632/2022 shall decide that appeal and also the appeal preferred by the Respondent No.1 being Criminal Appeal No.327/2023 together within a period of one month from today.
- iv. Both the parties shall cooperate to get the matters decided within a prescribed period of one month from today.
- v. With these directions, the Petition is disposed of.

PRADIPKUMAR
PRAKASHRAO
DESHMANE

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(SARANG V. KOTWAL, J.)