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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.401 OF 2023

Mohd.Irfan Hussain Farooqui ...Applicant
V/s.
Nazeen Irfan Hussain Farooqui & Anr. ...Respondents

Mr.Mohd. Quis Shakil Ahmed for the Applicant.

Mrs.Nazeen Irfan Hussain Farooqui - Respondent No.1 present in Court.

Mrs.M.R. Tidke, APP for the State - Respondent No.2.

CORAM : RAJESH S. PATIL, J.
DATE : 8TH DECEMBER, 2023.

P.C. :-

1. This Criminal Revision Application is filed by the husband challenging the order of remand passed by the Sessions Court, Dindoshi, Mumbai.
2. By a judgment and order dated 30 August 2023, the Sessions Court by its order quashed and set aside the judgment and order dated 8 September 2017 passed by the Trial Court, and directed the Trial Court to deposit 60% of the arrears of maintenance before the Trial Court within two months. The Respondents were granted liberty to withdraw the amount, if the amount deposited by

the Applicant before the Trial Court. Learned counsel for the Applicant submits that the outstanding amount at the rate of Rs.20,000/- per month as of today is Rs.19,00,000/-, but however the Applicant has already deposited a sum of Rs.6,26,000/-. He further submits that the said amount of Rs.6,26,000/- has already been withdrawn by Respondent No.1. Respondent No.1, who is present in Court submits that the said amount of Rs.6,26,000/- was withdrawn in the year 2019.

3. The order under challenge is the order of remand by the Appellant Court to the Trial Court, with a condition that the Applicant should deposit 60% of the arrears of maintenance before the Trial Court within two months from the date of remand. The amount of maintenance granted by the Trial Court was Rs.2,500/- per month to each of the two children of the Applicant and Respondent No.1. Further the amount of Rs.10,000/- towards the maintenance of wife and further Rs.5,000/- towards the rent for accommodation. 60% amount of Rs.20,000/- would roughly come to Rs.12,000/-. It appears that the said amount has been in arrears for quite some time as of now. Therefore, the Appellate Court rightly directed the Applicant to deposit 60% of the said amount.

4. I find no perversity in the impugned order. Hence no case is made out to interfere with the impugned judgment and order. The

Criminal Revision Application is dismissed.

(RAJESH S. PATIL, J.)