



47-2023

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO. 847 OF 2023
(Panjabrao Ajabrao Mohod Vs. Sadhana Panjabrao Mohod & Anr.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Ms S.H. Bhatia, Counsel for the petitioner.

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CORAM : ANIL L. PANSARE, J.
DECEMBER 18, 2023.

Shri U.J. Deshpande, learned Counsel appeared and seeks time to file Vakalatnama on behalf of respondent no.1.

2] The challenge is to the order dated 25/9/2023 passed by the learned Additional Sessions Judge, Akola in Criminal Appeal No. 170/2023, thereby dismissing the appeal filed by the petitioner – husband challenging the order of issuance of non-bailable warrant by the learned 3rd Judicial Magistrate First Class, Akola for recovery of arrears of Rs.3,41,000/-.

3] Having heard both sides and having gone through the record placed before me, it appears that vide application dated 1/7/2023, the respondent – wife made a request to the learned Magistrate to issue non-bailable warrant for recovery of Rs.3,41,000/-, which amount was the amount of arrears of maintenance. Earlier, the learned 3rd Judicial Magistrate First Class, Akola vide order dated 28/3/2019 directed the petitioner (original non-applicant

no.1) to pay monthly maintenance @ Rs.4,000/- per month from the date of application, i.e., 4/2/2011.

4] It appears that the petitioner has not complied with the said order and, therefore, the respondent – wife was required to prefer an application in July – 2023, as mentioned above. The learned Magistrate has issued non-bailable warrant, as requested.

5] It further appears that the petitioner – husband is/was indeed in arrears of maintenance to the tune of Rs.3,41,000/-. If this fact is taken into account, there is hardly any scope for the petitioner to challenge the order of issuing non-bailable warrant for recovery of arrears of maintenance. The petitioner, instead of paying maintenance to his wife, had unnecessarily indulged into contesting the application knowing fully well that his conduct is nothing but abuse of process of Court.

6] The Courts below noted that the gross salary of the petitioner for the month of July – 2023 was Rs.61,162/- and that his take home salary was Rs.47,226/-. It further appears that Rs.2,000/- per month is being deducted as maintenance amount. Considering these facts and by arithmetical calculation, the Courts below noted that an amount of Rs.3,41,000/- was in arrears as maintenance. It appears that despite having means, the petitioner has, instead of paying maintenance, shown reluctance to pay maintenance. In other words, the petitioner has shown reluctance to comply the order passed by this Court. This conduct ought to be deprecated

and, hence, the petition is dismissed with costs of Rs.50,000/-.

(ANIL L. PANSARE, J.)

Sumit