



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.1982 OF 2022

Prakash Baksharam Sevani

... Petitioner.

Versus

Sarika Prakash Sevani and Anr.

... Respondents.

Mr. Nilesh Wable with Ms.Rutuja Khatmode i/by Mr.Umesh Mankapure, Advocates for the Petitioner.

Mr. Sandeep Koregave, Advocate for the Respondent.

Ms. M.R.Tidke, APP for the Respondent No.3-State.

CORAM : SHARMILA U. DESHMUKH, J.

DATE : JANUARY 19, 2024

P. C.:

1. Heard.

2. By order dated 15th December, 2023, a query was put by this Court whether the Petitioner is willing to deposit part of the arrears of maintenance, to which the response was negative. Even today, despite query of this Court, there is no response as regards the arrears of maintenance. The warrant of attachment has been issued for a sum of Rs.2,87,700/-.

3. It needs to be noted that in an Application under Section 127 of the Code of Criminal Procedure, 1973, a meager amount of

Rs.7,000/- p.m. has been granted to the Applicant No.1 in the year 2022. Despite the order being passed in the year 2022, there are no timely payments and intermittently as and when execution proceedings are taken out, same payment is made, applications are moved and assurances are given. As the Petitioner is not ready and willing to abide by the order of the trial Court dated 21st January, 2022 and is not willing to even deposit any part of the arrears of the maintenance, I am not inclined to interfere with the order of maintenance.

4. Petition stands dismissed.

(Sharmila U. Deshmukh, J.)