



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

CRIMINAL APPLICATION (APPR) NO.391 OF 2023 IN
REVISION APPLICATION STAMP NO.9530 OF 2023

Saurabh Arun Sarage Vs. Aparna W/o Saurabh Sarage and another

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

Court's or Judge's orders.

Shri S.B. Gandhe, Advocate for applicant.
Shri G.R. Dhole, Advocate for non-applicant no.1.

CORAM : M.W. CHANDWANI, J.

DATE : FEBRUARY 22, 2024.

Learned counsel for the applicant submits that on the date of filing of application an amount of Rs.13,50,000/- was due towards arrears of maintenance. He submits that he has paid amount of Rs.5,85,000/- in this Court and rest of the amount of the is already deposited in the trial Court. Thus, according to him, till today, the applicant has paid 50% of total outstanding arrears of maintenance.

2. By the present application, the applicant is seeking condonation of delay of 30 days caused in filing revision application.

3. It is contended that the applicant is serving outside India and therefore he could not come to India to file the present revision in time.

4. The learned counsel for the applicant submits that the reasons put forth by the applicant is just and proper.

5. For the reasons mentioned in the application, the application is allowed. Delay of 30 days caused in filing the revision application is hereby condoned. Revision application be registered. The application stands disposed of.

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6. Heard.

7. The application challenges order dated 05.12.2022 passed by the learned Judicial Magistrate First Class, Amravati in PWDA No.189/2021 directing the applicant to pay interim maintenance of Rs.30,000/- to the wife and Rs.20,000/- to the minor son i.e. applicant nos.1 and 2 respectively. An unsuccessful attempt was made by the applicant by filing Criminal Appeal no.3/2021 before the Sessions Court. The said order is under challenge in this revision application.

8. Issue notice to the non-applicant.

9. Shri G.R. Dhole, learned counsel waives service of notice on behalf of non-applicant and prays for time to file reply.

10. Stand over **two weeks**.

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11. By this application, the non-applicants are seeking withdrawal of amount of Rs.5,85,000/- deposited by the applicant in this Court as well in the trial Court.

12. For the reasons mentioned in the application, the non-applicants are permitted to withdraw the amount deposited in this Court as well in the trial Court alongwith accrued interest, if any.

13. The application is disposed of accordingly.

JUDGE

Wagh