

Arjun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.1342 OF 2025

Amrut Yashwant Desai

...Petitioner

Versus

Deepali Amrut Desai & Anr.

...Respondents

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Mr. Nikhil Wadikar i/b Nandu Pawar, for the Petitioner.

Ms. Dhanalakshmi Krishna Iyer, APP, for the Respondent - State.

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CORAM: MADHAV J. JAMDAR, J.

DATED: 23 APRIL 2025

P.C.:

1. Heard learned Counsel appearing for the Petitioner.
2. The challenge in the present Writ Petition is to the Order dated 24th March 2022 passed by the learned 8th Judicial Magistrate First Class, Kolhapur below Exhibits - 5 & 26 in PWDVA No.79 of 2017 as well as to the Order dated 8th December 2022 passed by the learned Additional Sessions Judge, Kolhapur in Criminal Appeal No.21 of 2022 (“**impugned Orders**”).
3. This Writ Petition challenging the said Orders which have been passed in the year 2022 is filed on 28th January 2025. There is no explanation whatsoever given in the Writ Petition. In fact, what is stated in Writ Petition is that the Petition has been filed without any laches and

negligence on the part of the Petitioner and further it is stated that delay is due to financial issues and not able to obtain appropriate legal advice. The same can not be a ground to explain delay of 3 years. Thus, on this ground alone the Writ Petition deserves to be dismissed.

4. It is required to be noted that by the impugned Orders, an amount of Rs.15,000/- per month has been directed to be paid to the Respondent No.1 i.e. wife and an amount of Rs.10,000/- per month to the Respondent No.2 i.e. daughter.

5. In fact, this is a case where, the Petitioner has filed a Divorce Petition in the year 2016 and an Advocate has appeared for the Petitioner. Said Divorce Petition is decreed by the Judgment and Decree dated 24th September 2020 passed by the learned Judge, Family Court No.4, Pune and the Family Court Appeal is pending in this Court challenging the same. Even perusal of both the impugned Orders shows that Advocate has appeared for the Petitioner and argued the matter. Thus, there is no substance in the said reason given for the delay condonation of not getting appropriate legal advice.

6. In any case, by the impugned Orders maintenance has been granted to the wife as well as the daughter. The daughter is 12 years old. There is nothing to indicate that, at any point of time, the Petitioner has taken responsibility of maintaining the daughter. Daughter is being single-handedly maintained by the wife. Perusal of the record shows

that the Applicant is earning monthly salary of Rs.1,42,000/-. Thus, the cumulative maintenance of Rs.25,000/- granted to the wife and the daughter is not unreasonable.

7. Accordingly, in the facts and circumstances of this case, no case is made out for interference under Article 227 of the Constitution of India. The Writ Petition is dismissed, however, with no order as to costs.

**[MADHAV J. JAMDAR, J.]**