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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.5096 OF 2019

Ismail Ahmed Shaikh

...Petitioner

Versus

Hurbanu Ismail Shaikh & Ors.

...Respondents

Mr. Mahesh V. Rawool, for the Petitioner.

Mr. S. S. Ghag, APP, for the Respondent No.9-State.

CORAM: MADHAV J. JAMDAR, J.
DATED : 29th JANUARY 2025

PC:-

1. Heard Mr. Mahesh Rawool, learned Counsel appearing for the Petitioner and Mr. S. S. Ghag, learned APP for the Respondent No.9 – State.

2. The challenge in this Writ Petition filed under Article 227 of the Constitution of India is to the order dated 21st March 2016 passed by the learned Judicial Magistrate First Class, Sawantwadi in Criminal Application No.16 of 2015 as well as to the order dated 19th August 2019 passed by the learned Additional Sessions Judge, Sindhudurg-Oros in Criminal Revision Application No.37 of 2016.

3. By the impugned order, maintenance of Rs.3,000/- has been granted to the wife and Rs.2,000/- has been granted to the

children. It appears that nothing has been paid to the wife and the children by the Petitioner. Admittedly, the Petitioner is working in Kuwait.

4. The Writ Petition has been filed on 26th September 2019. Till date, this Court has not granted any stay to the impugned order and still nothing is paid to the Respondents by the Petitioner towards maintenance.

5. Perusal of the impugned order clearly shows that the learned Judicial Magistrate First Class has recorded the findings that the Respondent No.1-wife has been subjected to domestic violence. Learned Additional Sessions Judge has recorded that purposefully the original Opponents have not entered into the witness-box and therefore, adverse inference is required to be drawn against them. Thus, possible view of the matter is taken.

6. Thus, in the facts and circumstances of this case, no interference under Article 227 of the Constitution of India is warranted. Accordingly, the Writ Petition is dismissed with cost of Rs.10,000/-.

[MADHAV J. JAMDAR, J.]