

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.3381 OF 2024

Mr. Pradeep Nimbaji Sawale & Ors.	...Petitioners
<i>Versus</i>	
Mrs. Rashmi Pradeep Sawale	...Respondent

Mr. Rajendra Tajane i/by Ms. Sangita A. Zunjarrao, Advocate for Petitioners.
Mr. Akash Kotecha, Advocate for Respondent.
Ms. R.S. Tendulkar, Advocate for the State.

CORAM: MADHAV J. JAMDAR, J.
DATED : 27th March 2025

P.C.:

1. Heard Mr. Tajane, learned Counsel for the Petitioners and Mr. Kotecha, learned Counsel for the Respondent.

2. By the present Writ Petition, challenge is to the Order dated 7th March 2020 passed by the learned District Judge-3 and Additional Sessions Judge, Kalyan in Criminal PWDV Appeal No. 8 of 2019. By the impugned Order by setting aside Order dated 18th January 2019 passed by the learned 5th Judicial Magistrate First Class, Kalyan below Exhibit 4 in PWDVA No. 32 of 2015, maintenance of Rs.10,000/- has been granted to the Respondent-wife. By the said Order dated 18th January 2019, the learned 5th

Joint JMFC, Kalyan rejected the said application for interim maintenance filed under Section 23 of the Domestic Violence Act by the wife.

3. Perusal of the record shows that the Petitioner is working as an Engineer in a Company at Taloja and he is earning about Rs.75,000/- per month.

4. It is the main submission of the learned Counsel for the Petitioner that the Respondent is well educated and she is also an Engineer. However, admitted position is that the Respondent is residing at Pune and pursuing her **U.P.S.C.** examination.

5. Accordingly, no interference in the impugned Order is warranted. The Writ Petition is dismissed, however, with no order as to costs.

6. Mr. Akash Kotecha, learned Counsel for the Respondent states that the Petitioners have deposited in this Court a sum of Rs.2,00,000/-. He states that by Order dated 19th November 2024, a learned Single Judge has permitted the said amount to be withdrawn, however, the Respondent is having an account in her

maiden name i.e. Rashmi Vilas Telang. He states that accordingly, the Registry be directed to transfer the amount in the account of the Respondent which is standing in her maiden name.

7. Thus, the Registry is directed to permit withdrawal of the amount deposited by the Petitioner in terms of Order dated 19th November 2024 by allowing withdrawal by the Respondent in her maiden name i.e. Rashmi Vilas Telang.

(MADHAV J. JAMDAR, J.)

Note : Order corrected as per Speaking to the Minutes of Order dated 9th May 2025.