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RAJESH
MANE

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 4191 OF 2024.

IN

WRIT PETITION NO. 1180 OF 2019.

Rajesh Kuppuswamy And Ors.

...Applicants.

Versus

Priya Rajesh And Anr.

...Respondents.

*Mr. Kishor Patil a/w. Ms. Sonal Dabholkar i/b. Mr. Amol P.Mhatre,
for the Applicant.*

Ms. R.S. Tendulkar, APP for the State.

Coram : Sharmila U. Deshmukh, J.

Date : April 9, 2025.

P. C. :

1. The Interim Application has been preferred seeking review of the Order dated 11th December 2023, dismissing the Application on the ground that the Petitioner was not willing to comply with the Order of deposit of maintenance amount of Rs.5Lakhs as directed by the Sessions Court.

2. The Petition came to be filed challenging the order dated 1st February 2019, passed by the Additional Sessions Judge-5, Thane, which remanded the matter to the trial Court subject to the Petitioner depositing the maintenance amount of Rs.5Lakhs in the trial Court, within one month. The challenge in the Petition was limited only to the

direction of deposit of Rs.5Lacs. As no willingness was shown on behalf of the Petitioner to comply with the order of the Sessions Court, the Petition came to be dismissed.

3. Today, Mr. Patil, appearing for the Petitioner submits that the Petitioner is willing to comply with the order of the Sessions Court dated 1st February 2019, and he has already deposited a sum of Rs.1Lakh and balance Rs.4 Lakhs will be deposited within a period of 3 weeks from today, in the trial Court.

4. He would further submit that upon the deposit being made, the order of the Sessions Court would stand complied and seeks that the observation in the Order as regards unwillingness of Petitioner be revived.

5. Considering that the challenge was confined only to the condition of deposit of Rs.5Lakhs, which condition is now sought to be complied with, by the Petitioner, there is no question of the original Petition being revived.

6. As far as the review is concerned, the observation in the order to the extent that the Petitioner is not willing to comply with the order of deposit stands reviewed and is set aside.

7. The Trial Court to decide the proceedings afresh without being influenced by the observations made in the order of 11th December 2023.

8. Interim Application stands disposed of accordingly.

[Sharmila U. Deshmukh, J.]