

Arjun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.1965 OF 2025

Sonu Nimbulal Gupta

...Petitioner

Versus

Sheetal Sonu Gupta

...Respondent

Ms. Anjali Joshi, for the Petitioner.

Ms. A. S. Gotad, APP, for the State.

CORAM: MADHAV J. JAMDAR, J.

DATED: 17 APRIL 2025

P.C.:

1. Heard Ms. Joshi, learned Counsel appearing for the Petitioner.
2. By the present Writ Petition the challenge is to the legality and validity of the Order dated 2nd July 2022 passed by the learned Additional Sessions Judge, Greater Mumbai in Criminal Appeal No.51 of 2022 as well as to the Order dated 24th January 2022 passed by the learned Metropolitan Magistrate, 53rd Court, Mulund, Mumbai below Exhibit - 3 in DV Case No.33 of 2020.
3. By the impugned Order dated 24th January 2022, the learned Metropolitan Magistrate has directed payment of Rs.5,000/- per month as maintenance and Rs.8,000/- per month towards alternate accommodation. The said Order has been confirmed by the learned Appellate Court by the impugned Order dated 2nd July 2022.
4. Perusal of the record shows that both the learned Courts have

taken into consideration that the Petitioner is conducting a Grocery Shop. It is the contention of the Respondent that the Petitioner is earning about Rs.1,50,000/-. In any case, it is an admitted position that the Respondent is working as an Assistant Teacher in Gyanvikas Hindi High School, Digha-Airoli, Navi Mumbai, Maharashtra which is a primary unaided school on a salary of Rs.3,500/- per month. It is also admitted position that the Grocery Shop is being conducted by the Petitioner and his family members.

5. Thus, in the facts and circumstances, no interference is warranted under the jurisdiction of this Court under Article 227 of the Constitution of India. Accordingly, Writ Petition is dismissed, however, with no order as to costs.

6. Ms. Joshi, learned Counsel appearing for the Petitioner states that some time be granted for payment of arrears. Accordingly, 3 months is granted to pay the arrears, however, on the condition that the Petitioner pays to the Respondent the said amount of Rs.5,000/- per month as well as Rs.8,000/- per month as rent towards alternate accommodation on or before the 10th day of each succeeding month. The first such payment be paid on or before 10th May 2025.

7. The Writ Petition is dismissed subject to above.

[MADHAV J. JAMDAR, J.]