

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.3734 OF 2025

Ramkrishna Sureshkumar Sharma	...Petitioner
<i>Versus</i>	
The State of Maharashtra & Anr.	...Respondents

Mr. Jash Vyas a/w. Ms. Pradnya Matkar, for the Petitioner.
Mr. S.S. Ghag, for the Respondent No.1-State.
Mr. Manoj Nayak a/w. Mr. Ajay Rathi, for the Respondent No.2.

CORAM: MADHAV J. JAMDAR, J.
DATED : 11th AUGUST 2025

PC:-

1. Heard Mr. Vyas, learned Counsel appearing for the Petitioner, Mr. Ghag, learned APP appearing for the Respondent No.1 and Mr. Nayak, learned Counsel appearing for the Respondent No.2.

2. By the present Writ Petition, the challenge is to the legality and validity of the order dated 26th June 2025 passed by the learned Additional Sessions Judge, Pune below Exhibit-5 in PWDVA Appeal No.44 of 2025. The learned Additional Sessions Judge has dismissed the said application bearing Exhibit-5 in PWDVA Appeal No.44 of 2025 seeking stay to the implementation

and enforcement of the order dated 23rd January 2025 passed below Exhibit-5 in PWDVA No.476 of 2024 by the learned Judicial Magistrate First Class (“JMFC”), Pune.

3. Learned Judicial Magistrate First Class by the order dated 23rd January 2025 has recorded that the Petitioner-husband is getting in hand salary of Rs.2,79,499/- and the Respondent-wife is getting in hand salary of Rs.1,41,436/-. Learned JMFC has directed payment of Rs.1,35,000/- per month as maintenance to the wife. Thus, even taking findings of the learned JMFC as it is, then also the effect of the impugned order of the learned JMFC is that after payment of the maintenance amount, an amount of about Rs.1,45,000/- will remain with the husband and the Respondent-wife will get Rs.1,41,000/- from her salary as also Rs.1,35,000/- as maintenance i.e. an aggregate amount of Rs.2,76,000/-. Thus, after payment of maintenance the Petitioner-husband will get Rs.1,45,000/- per month and the Respondent-wife will get Rs.2,76,000/- per month. The learned JMFC has also taken into consideration the residential flat and plot available with the Petitioner, however, nothing is discussed about any amount received out of the said properties. Thus, it is clear that the *prima*

facie impugned order passed by the learned JMFC is contrary to the material on record.

4. Mr. Vyas, learned Counsel appearing for the Petitioner, on instructions of the Petitioner, who is personally present in Court states that the Petitioner will pay an amount of Rs.30,000/- per month in the account of the Respondent No.2 on or before 10th day of each succeeding month. He states that as far as payment for the month of July 2025 is concerned, the same will be deposited in the account of the Respondent No.2 on or before 20th August 2025 and thereafter it will be paid on or before 10th day of each month. He further submits that arrears at the rate of Rs.30,000/- per month w.e.f. 14th August 2024 till 30th June 2025 will be deposited in the account of the Respondent No.2 within a period of two months from today. All these statements made by the Petitioner, who is personally present in Court are accepted as undertakings given to this Court. In view of the said undertakings made by the Petitioner, the operation and implementation of the order passed by the learned JMFC shall remain stayed during the pendency of the said PWDVA Appeal No.44 of 2025.

5. It is further clarified that, if there is a single default in making the payment in aforesaid manner, then in that case, the stay granted to the order dated 23rd January 2025 passed by the learned JMFC, Court No.9, Pune below Exhibit-5 in PWDVA No.476 of 2024 shall stand vacated forthwith.

6. It is clarified that the observations made in this order are *prima facie* and just to consider the legality and validity of the order dated 26th June 2025 passed by the learned Additional Sessions Judge, Pune below Exhibit-5 in PWDVA Appeal No.44 of 2025. Accordingly, all contentions of both the parties are expressly kept open.

7. The Writ Petition is disposed of in above terms with no order as to costs.

[MADHAV J. JAMDAR, J.]

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