

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 3772 OF 2025

Sunil Appaso Balkai

...Petitioner

Versus

State of Maharashtra and Anr.

...Respondents

Mr. Chetan Patil a/w Mr. Bhushan Jadhav i/b. Mr. Mandar Bagkar, for the
Petitioner.

Mr. S.S. Ghag, APP, for the Respondent - State.

CORAM : MANJUSHA DESHPANDE, J.

DATE : 15 JULY 2025

P.C.:

1. The learned Advocate for the petitioner seeks leave to amend for adding certain grounds and exhibits to the memo of the writ petition. Liberty granted. Amendment to be carried out within a period of one week. After carrying out amendment, issue notice to the respondents.
2. The petitioner is challenging the order dated 9 June 2025 as well as 23 June 2025 wherein the recovery warrant is issued for recovery of Rs.3 Lakhs as prayed by the petitioner. It is the contention of the petitioner that the Respondent Nos.2 to 4 had filed Criminal Misc. Application No.534 of 2018 which was numbered as Petition E No.63 of 2022 after the case was transferred to the Family Court. The execution application itself was limited to the extent of maintenance from 5 July 2014 to 5 July 2015 limiting it to a period of 12 months. Therefore, calculating the

maintenance for 12 months, it was limited to the extent of Rs.2,40,000/-. Accordingly, the petitioner has satisfied the amount which is claimed in the execution, he has deposited an amount of Rs.3,80,000/- upto 23 June 2025 before the Family Court. Therefore, actually he has paid more than the amount that has been claimed in the execution itself. It is his further contention that claim in execution application stood satisfied in view of the deposit of the entire amount. Therefore, nothing survives in the said application. However, referring to the said application, again applications have been filed on 9 June 2025 and 23 June 2025 claiming arrears of Rs.6 Lakhs, referring to PER No.63 of 2022 at Exh. 88.

3. It is submitted that in fact after satisfaction of the amount which was claimed in that application nothing survives in the said application. However, without considering that the recovery warrant has been issued for recovery of an amount of Rs.6 Lakhs. It is his submission that each year fresh execution has to be filed as per proviso to Section 125(3) of the Code of Criminal Procedure. In view of the proviso, application for recovery of maintenance of Rs.6 Lakhs has to be made.

4. Issue notice to the Respondents returnable on **29 July 2025**. The learned AGP waives notice for Respondent No.1. In the meanwhile, there shall be ad-interim relief in terms of prayer clause (b).

[MANJUSHA DESHPANDE, J.]