

Arjun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.280 OF 2024

Nitin Narayan Bagade & Ors.

...Applicants

Versus

Minal Nitin Bagade & Anr.

...Respondents

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Mr. Amar Gharte, for the Applicants.

Mr. Vijay Agale a/w Veenu Mishra & Shailesh Dubey i/b Bindu Dubey,
for the Respondent No.1.

Mr. S. M. Mangaonkar, APP, for the Respondent-State.

CORAM: MADHAV J. JAMDAR, J.
DATED: 30 JANUARY 2026

P.C.:

1. The challenge in this Criminal Revision Application is to the legality and validity of the Order dated 6th April 2024 passed by the learned Additional Sessions Judge, Greater Mumbai at Mazgaon, below Exhibit-3 in Criminal Appeal No.607 of 2023.

2. By the impugned Order dated 6th April 2024, the said Application bearing Exhibit-3 was allowed and the Order dated 10th July 2023 passed in Criminal Miscellaneous Application No.86 of 2023 was recalled/vacated and the said Exhibit-3 Application was disposed of.

3. By the Order dated 10th July 2023 passed by the learned Additional Sessions Judge, City Civil & Sessions Court, Greater Mumbai,

in Criminal Miscellaneous Application No.86 of 2023, the following operative Order is passed :-

“ORDER

*1. Miscellaneous Application No. **86 of 2023** is allowed.*

2. The effect and execution of judgment and order dated 17/10/2022 passed by the learned Metropolitan Magistrate, 49th Court, Vikhroli, Mumbai in C.C.No.167/N/2012 is hereby stayed till final disposal of the appeal on condition that the applicants shall deposit 50% arrears amount of maintenance within three months from the date of this order and continue to pay further maintenance at the same rate till further orders.

*3. Thus, Miscellaneous Application No. **86 of 2023** stands disposed of.”*

4. Thus, by the said Order dated 10th July 2023, the Judgment and Order dated 17th October 2022 passed by the learned Metropolitan Magistrate, 49th Court, Vikhroli, Mumbai in CC No.167/N/2012 was stayed, till final disposal of the Appeal, on the condition that the Applicants shall deposit 50% of arrears of maintenance within three months from the date of the order and continue to pay further maintenance at the same rate till further orders.

5. By the said Order dated 17th October 2022 passed by the learned Metropolitan Magistrate, 49th Court, Vikhroli, Mumbai in CC No.167/N/2012, the present Applicant No.1 has been directed to pay

maintenance of Rs.5,000/- per month and rent of Rs.2,000/- to the Respondent No.1 from the date of the order and also directed to pay compensation of Rs.10,000/-.

6. It is an admitted position that the said proceedings before the learned Metropolitan Magistrate have been filed on 22nd August 2012 and the impugned Order is passed on 17th October 2022. It is also an admitted position that, during the pendency of the Application, an amount of Rs.5,000/- was directed to be paid which the Applicant has paid.

7. However, Mr. Gharte, learned Counsel for the Applicants, submits that after 17th October 2022, the said Order has not been complied with, although stay has been granted. On instructions, he submits that, an amount of Rs.1,50,000/- has been deposited in this Court pursuant to the Order passed on 13th February 2025. He further submits that the balance amount is about Rs.1,80,000/-. He submits that the said amount will be paid to the Respondent - Minal Nitin Bagade, within a period of 6 months from today, by three equal instalments. He further submits that the Applicant will continue to pay an amount of Rs.7,000/- per month on or before 10th day of each month without prejudice to his rights and contentions.

8. Accordingly, if such payments are made, then in that event the impugned Order dated 6th April 2022 passed by the learned Additional

Sessions Judge, Greater Mumbai at Mazgaon, below Exhibit-3, is quashed and set aside. However, if there is default in making the said payment, then in that event the stay granted to the impugned Order dated 17th October 2022 shall stand vacated forthwith.

9. It is clarified that this Court has not considered the merits and all contentions on merits of Criminal Appeal No.607 of 2023 are expressly kept open.

10. The Criminal Revision Application is disposed of in above terms, with no order as to costs.

[MADHAV J. JAMDAR, J.]