

**IN THE COURT OF SESSIONS AT AKOLA**

(Presided over by Smt. S.R. Pahade, Additional Sessions Judge )

**Cri. Appeal No.64/2026**

Abdul Shakil Shaikh Jalil

-Vs.-

Farhana Parveen and others

**ORDER BELOW EX.5.**

[Passed on 12.02.2026]

The appellant has filed application for stay to the effect and operation passed by 08<sup>th</sup> Addl. C.J.M., Akola below Exh.36 in Cri. M.A.No. 2159/2023 dtd. 30.01.2026.

2] It is contended by the appellant that he has filed appeal against the order passed below Exh. 36 in Cri. M.A.No. 2159/2023 dtd. 30.01.2026. The Hon'ble Court has rejected the application of the appellant and sent him into the Jail. If stay is not granted, it will great prejudice to the appellant. On this ground, he prayed for stay to the proceeding of Cri. M.A.No. 2159/2023.

3] Heard argument on behalf of the both the parties. Perused documents placed on record. As per Exh. 34 & 36, the applications were filed by the appellant for releasing him on depositing of Rs. 15,000/- and maintenance amount of Rs. 4,000/-. Both the applications were rejected by the Hon'ble Trial Court.

The respondent No. 1 appeared before the Court and filed reply at Exh. 11. It is submitted that the appellant required to pay outstanding amount of Rs. 1,55,000/- to the respondent. He has willfully defaulted in complying the order. He has paid only Rs. 7,000/-. The appellant has performed second marriage and living lavish life. It is further submitted that the appellant has not given reason to show his inability to pay maintenance

amount. On these grounds, prayed for rejection of application.

4] On the other side, it is submitted on behalf of the appellant that the appellant is in Jail. He is unable to pay an amount of Rs. 50,000/- as per order.

5] Considering the reason and the grounds mentioned in the application, the Ld. Trial Court allowed the application on condition of depositing amount of Rs. 50,000/- in the Court. It reveals that if the stay to the further proceeding of the case, is not granted in favour of the appellant. He will suffer irreparable loss and the purpose of filing of this appeal will be frustrated. Hence, I proceed to pass following order:-

**ORDER**

1]	The effect, operation and enforcement of impugned order passed below Exh. No. 36 is stayed after depositing of Rs. 35,000/- as a maintenance amount in the Court till further order.
2]	Copy be sent to Trial Court for information.

(Smt. S.R. Pahade)

Date :12.02.2026

Additional Sessions Judge, Akola