

COMMON ORDER BELOW EXH. 48 AND 49

(Passed on 09th of June, 2019)

1. The non-applicant Rajesh @ Raju Mohansingh Pawar is produced today at 3.30 p.m. before me in execution of arrest warrant against default in payment of arrears of maintenance. He has no complaint of ill-treatment at the hand of police.

2. The non-applicant has sought cancellation of arrest warrant by moving application (Exh. 48). However, as the warrant has already been executed, it cannot be cancelled. Accordingly, application (Exh. 48) stands rejected.

3. Ld. Adv. for applicant is present. He argued that arrest warrant was executed earlier in this case, the N.A. was released on condition, even thereafter he committed default and now he is before court for such default. Hence, he prayed that he may be sent to imprisonment. *Per contra*, Ld. Adv. for N.A. submitted that the N.A. is ready to file undertaking for future payments. Hence, he prayed that the N.A. may be released by taking sympathetic view.

4. Record shows that on 09.03.2021 the N.A. was produced in execution of warrant, he had paid Rs. 5000/- on that day and was released upon direction to pay the outstanding amount as early as possible. But apparently, he has committed default in such payment. Today he is ready to pay Rs. 3000/- and has filed undertaking about payment of remaining arrears. In view of the matter, he deserves another opportunity. The apprehensions of Ld. Adv. for applicant can be taken care of by the undertaking of the N.A. Accordingly, following order is passed

ORDER

1. Permission is hereby granted to the N.A. to deposit Rs.3000/- towards arrears. The said sum shall be deposited forthwith. The

applicant shall be at liberty to withdraw the same.

2. The N.A. shall deposit at least 1/3rd of the remaining arrears amount viz. Rs.86,000/- on or before next date without fail.

3. He shall scrupulously obey his undertaking.

4. On such conditions, the N.A. be released today from the custody of police.

(Typed and pronounce in open court)

Balapur

Dated: 09/06/2022

(Nitin C. Pawar)

Judicial Magistrate, F.C., Balapur.

I affirm that the contents of this P.D.F. File Judgment/Order are same, word to word, as per the original order.

Name of the Court	:—	Civil Judge, J.D. & J.M.F.C., Balapur
Name of the Stenographer	:—	Shaikh Rafique Shaikh Rasheed
Date of Decision	:—	09/06/2022
Judgment/Order signed by P.O on	:—	09/06/2022
Judgment/Order uploaded on	:—	09/06/2022