



ORDER BELOW EXH.12

(Passed on 05.02.2026)

The present application is moved by applicant for issuing attachment warrant for recovery of Rs.52,00,000/- against the non applicants. The learned Advocate for the non applicant opposed the application by filing reply.

2. Perused the application and say. Perused the record. Heard learned Advocate of both parties.

3. It is the contention of learned Advocate for applicant that, there is huge outstanding against the non applicant. The non applicant is avoiding to pay the outstanding amount. In such circumstances it is necessary to issue attachment warrant for recover of Rs.52,00,000/-.

4. The learned Advocate for the non applicant submitted that, the non applicant had paid around Rs.3,00,000/- to the applicants. The non applicant is ready to pay remaining amount. Hence, this application is not tenable and prayed for rejection of the application.

5. The instant recovery proceeding is filed under Section 125(3) of the Criminal Procedure Code, 1973 (Section 144(3) of BNSS, 2023) for recovery of 54,00,000/-. After going through the record it is noticed that, the non applicant appeared on 08.08.2025. The non applicant has given cheques of



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Rs.1,00,000/- on dt. 09.10.2025 vide Exh.10, on dt. 13.11.2025 vide Exh.11. Thereafter, he has given cheque of Rs.50,000/- vide Exh.13 on dt. 22.01.2026 and today the non applicant has given cheque of Rs.50,000/-. It is not disputed that huge outstanding is pending against the non applicant.

6. It is contended by learned Advocate for non applicant that, till today he has paid around Rs.3,00,000/- in the present proceeding. However, after considering the financial capacity of non applicant the issue of interim maintenance was adjudicated. The non applicant is a businessman and his yearly turn over is in crores of rupees. Therefore, merely saying that, he has paid some lakhs of rupees to applicant is not the sufficient reason. The applicant has moved the present application for recovery of amount on 01.01.2026 thereafter on 22.01.2026 and today the non applicant has given cheque of Rs.50,000/- on each dates. Therefore, it is necessary to deduct Rs.1,00,000/- while issuing warrant. Hence, I proceed to pass following order.

ORDER

1. The application is partly allowed
2. Issue recovery warrant against non applicant for recovery of Rs.51,00,000/-.

Place: Shegaon
Date : 05.02.2026

(Smt.M.K.Gote)
Judicial Magistrate First Class,
(Court No.2), Shegaon.

MHBU070007462025



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Certificate

I affirm that the contents of this PDF file order are correct word to word as per the original order.

Name of Steno: G.D.Bhoyte, Stenographer Grade-III.

Name of Court: Judicial Magistrate F.C. 1st Court, Shegaon.

Date: 05.02.2026