

ORDER BELOW ARREST REPORT EXH. 19
DATED 01.12.2022.

1. The respondent/non-applicant namely, Bharat Bramhadev Mundhe, is produced before me today at 04.50 p.m. by Shri. R. B. Bore, Police Head Constable, B.No. 1652, Police Station Kingaonraja. Upon asked respondent made no complaint of ill-treatment at the hands of police. Arrest of the respondent is proper and justifiable.

2. The respondent is arrested in execution of arrest cum recovery warrant issued by this court in PWDV Execution Application No. 02/2019, Sau. Alka + 1 v/s. Bharat under the provision of Protection of Women from Domestic Violence Act, 2005, for the recovery amount of Rs. 29,000/-, in Cri.M.A. No. 49/2018, Sau. Alka + 1 v/s. Bharat under Section 128 of the Code of Criminal Procedure, 1973 for the recovery amount of Rs. 12,000/- and in Cri.M.A. No. 43/2019, Sau. Alka + 1 v/s. Bharat under Section 128 of the Code of Criminal Procedure, 1973 for the recovery amount of Rs. 15,000/-

3. As, I have aforesaid mentioned, Rs. 29,000/- + Rs. 12,000/- + Rs. 15,000/- total Rs. 56,000/- is outstanding against respondent/non-applicant as a part of arrears maintenance amount. Today, the non-applicant/respondent has produced before me in aforesaid recovery cum arrest warrant execution proceeding. I had personally asked to the non-applicant/respondent as to whether he is ready to pay some arrears maintenance amount or not ?. But, non-applicant/respondent does not willing to deposit a single rupees on today's date. He orally requested for time.

4. I have carefully gone through the record and proceeding of aforesaid cases, it appears that, since the year 2018, the respondent/non-applicant has not deposited any single rupees in this court towards arrears maintenance amount. On the other hand, applicant Sau. Alka Bharat Mundhe is appeared before this court and strongly opposed. Further she submitted that, has no any means to run her livelihood. So, she requested suitable order be passed.

5. Considering aforesaid aspect, it is evident that, the non-applicant/respondent is absent since the year 2018, he has not deposited any single amount since the year of 2018. It is pertinent to note that, the non-applicant/respondent has not deposited any single rupees in the execution application bearing No. 02/2019 and Cri. M. A. 43/2019 since it were filed. So, I am of the view that, he failed to deposit arrears maintenance amount without any sufficient cause. In this situation, the law laid down that, this court can sentence to him for the whole or any part of each months, (allowance) for the maintenance till remaining unpaid of the imprisonment for a term which may extent to one month or until payment if sooner made. However, I am sentencing to the non-applicant/respondent in case of PWDV Execution Application No. 02/2019, for the arrears maintenance amount of Rs. 29,000/-. Further It will proper to wait and watch, as to whether, the respondent/non-applicant deposits arrears maintenance amount due in the case of Cri.M.A.No. 43/2019 and Cri.M.A.No. 49/2018 within such 30 days. If non-applicant/respondent does not deposit due amount in aforesaid cases,

then I shall pass necessary order later on. In the result, I proceed to pass following order.

ORDER

1. The non-applicant/ respondent namely, Bharat Bramhadev Mundhe shall undergo in simple imprisonment for a term, which may extent to one month, for the breach of a monthly maintenance amount in P.W.D.V. Execution No. 02/2019.
2. In case, the non-applicant/respondent deposit of Rs. 29,000/- as an arrears due maintenance amount, he be released forthwith and inform to this court.

Place - Lonar
Date- 01.12.2022.

(V. S. Raut)
Judicial Magistrate F.C. Lonar