

Order below Exh.15 in Criminal Mic. Application No.460/2018

(Ashwini Dhadas Vs. Sachin Dhadas.)

This is an application filed by opponent for suspension of imprisonment.

It is submitted in the application that opponent was arrested and produced before the Court on 21.8.2019. There is responsibility of his mother and son is on opponent. The opponent is forest labourer and working in Gadchiroli District. Therefore, he did not got knowledge about the proceeding before the Court. Financial condition of opponent is poor. However, he has brought Rs. 45,000/- from the relatives and he is ready to deposit said amount towards the maintenance. Therefore, prays to suspend imprisonment of opponent.

2. On the application, applicant has filed her say and submitted her no objection to allow the application on the ground to pay amount Rs.45,000/- to the applicant.

3. Perused the application and record. Heard advocate of both the sides. The applicant has filed application to recover the amount of maintenance Rs.1,14,100/-. Even after service of notice, opponent did not appeared before the Court. Also recovery warrant issued against opponent, but it was returned with remark that no property was found on the name of opponent. The opponent was arrested and produced before the Court on yesterday. After

considering recovery of huge amount from the opponent, the opponent was sentenced to suffer simple imprisonment for one month. However, the opponent is ready to deposit amount Rs.45,000/-, which is sufficient amount. No purpose will serve to keep opponent behind the bars. Also the applicant submitted her no objection to allow the application. Therefore, after considering above mentioned discussion, I am going to pass following order-

ORDER

1. The application is allowed.
2. Sentence of imprisonment of opponent is hereby suspended subject to condition that opponent to pay Rs. 45,000/- to the applicant.
3. Accordingly application is disposed off.

(A.H. Shaikh)

Date : 22.08.2019.

Judicial Magistrate, First Class, Sangola.