



Cri.M.A. No. 64/2020
Sau. Humanaushin -vs-
Humayu
MHYA050053302020

ORDER BELOW EXH. 1

(dt: 09.07.2024)

This is an applicant u/s 125 of Cr. P. C. filed by the applicant No. 1 and 2 against non-applicant.

02. The evidence of applicant is completed. On 08.01.2024 I passed an order below Exh. 38, an interim application and directed non-applicant to pay interim maintenance Rs. 15,000/- to applicant No.1 and interim maintenance of Rs. 5,000/- to applicant No.2 from filing of main application (Exh.1). Therefore there arrears of rupees more than 7 lakh of interim maintenance.

03. The non-applicant filed Criminal Revision No. 5/2023 before Hon'ble Sessions Court against the order of interim maintenance. The advocate for non-applicant filed an application for stay of execution of interim order passed by this court.

04. Mean while I issued recovery warrant of Rs. 7,50,000/- against non-applicant as there is no stay order by Hon'ble Sessions Court. On last date i.e. on 15.06.2024 the huge further chief examination of non-applicant is recorded and matter adjourn till today for cross-examination of non-applicant.

05. Today the applicant, her advocate, non-applicant and his advocate present before the Court. Matter is for cross-examination of non-applicant. Before taking cross-examination the advocate for applicant submitted that the non-applicant has not paid arrears of interim

maintenance. To counter this submission, the advocate non-applicant submitted that Hon'ble Sessions Judge passed stay order for the execution to the order of the this Court. Therefore I directed advocate for non-applicant to produce the stay order.

06. The advocate for non-applicant produced a certified copy of Exh.19 in Criminal Revision No. 5/2023 to show the Court that there is stay by Hon'ble Sessions Court.

07. On perusal of application (Exh.19 in Cri.R.No. 5/2023) filed by advocate for non-applicant before Hon'ble Sessions Court, it appears that to extend the stay by Hon'ble Sessions Court, the advocate for non-applicant mention, in written, that the trial Court issued arrest warrant against non-applicant. Therefore under such circumstance there is a possibility of arrest at any time to the non-applicant.

08. I given the record to the advocate for the non-applicant and directed him to show me that I have passed an arrest order. He saw the record and submitted to the Court there is a recovery warrant issued against non-applicant. He failed to show I issued arrest warrant against non-applicant.

09. Only to stay the execution of interim maintenance order passed by this Court, the advocate for non-applicant made false statement and prepared false document and filed before Hon'ble Sessions Court. By considering false submission and false document Hon'ble Sessions Court extended stay order.

10. It is forgery against the Court, against the state and against the applicants. In fact it is serious misconduct on the part of advocate for non-

applicant. On making false submission and written application (Exh.19) before Hon'ble Sessions Court he extended stay order. Therefore the non-applicant and his advocate not entitled to take undue advantage of the order passed by Hon'ble Sessions Court. The certified copy of stay order filed by the advocate for the non-applicant himself is taken on record and marked as Exh. 116.

11. I issued warrant of imprisonment on failure to pay maintenance against non-applicant for non-payment of arrears amount of Rs. 7,50,000/-.

12. After passing this order the advocate, Shri. Arif Ahmed, for non-applicant gave is apology for his conduct.

Place: Pusad.
Date: 09.07.2024

(Govind S. Varpe)
Judicial Magistrate First Class,
Court no. 04, Pusad