

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (FOR MAINTENANCE) NO. 6813 of
2026**

=====

RUPALBHAI JASHVANTBHAI NAYAK
Versus
STATE OF GUJARAT & ORS.

=====

Appearance:
MR ASHOK N PARMAR(2431) for the Applicant(s) No. 1
ROHAN RAVAL APP for the Respondent(s) No. 1

=====

CORAM:HONOURABLE MR.JUSTICE P. M. RAVAL**Date : 03/06/2026****ORAL ORDER**

1. Issue **Notice**, returnable on 17.06.2026. Learned APP waives service of Notice on behalf of Respondent State.

2. Considering the proviso to sub section (3) of Section 144 of the BNSS, 2023, which provides that no warrant shall be issued for the recovery of any amount due under section 144 unless application be made to the Court to levy such amount within a period of one year from the date on which it became due. However, on perusal of the application for recovery bearing CRMA J NO. 28/2026 preferred by the private Respondent herein (wife), it transpires that the application was preferred on 17.02.2026 for recovery of Rs. 2,48,000/- (from 01.07.2023 to 31.01.2026) at Rs. 8,000/- per month. Thus, what was sought to be recovered from the present Applicant pertains to a period beyond one year.

2. Learned Advocate for the Applicant has also handed over the receipt of Rs. 91,000/- deposited in CRMA J No. 182/2025

preferred by the wife under Section 144(3) of the BNSS, and thus, it transpires that there is some overlap between the period for which the amount of Rs. 91,000/- has already been deposited and the period covered under the present impugned order of recovery passed in CRMA J No. 28/2026. In view of the same, no coercive steps shall be taken against the present Applicant.

MMP

(P. M. RAVAL, J)