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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL REVISION APPLICATION NO.199 OF 2024

1. Priyanka w/o Gautam Pawar
 2. Veer s/o Gautam Pawar
- APPLICANTS

VERSUS

1. Gautam s/o Vishnu Pawar
 2. Vishnu s/o Madhav Pawar
 3. Tarabai w/o Vishnu Pawar
- RESPONDENTS

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Mr G. R. Syed, Advocate for Applicants

Mr R. R. Karpe, Advocate a/w Ms Avantika S. Kharade and Mr S. R. Nikat, Advocates for Respondent

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CORAM : SUSHIL M. GHODESWAR, J.

RESERVED ON : 29th SEPTEMBER 2026

PRONOUNCED ON : 07th OCTOBER 2026

ORDER :

1. By way of this criminal revision application, the applicant/wife, along with her minor son, is challenging the impugned judgment and order dated 04/06/2024 in Criminal Appeal No.72/2023, passed by the learned Sessions Judge, Beed to the extent of refusing to grant maintenance to applicant No.1/wife, as well as the impugned judgment and order dated 19/08/2023, passed by the learned Judicial

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Magistrate First Class (JMFC), Ashti, District Beed in Criminal M.A. No. 294/2021, thereby rejecting her prayers for protection from domestic violence, residence, monetary relief and compensation. The applicants are further praying for allowing the Criminal M.A. No.294/2021, filed before the learned Judicial Magistrate First Class, Ashti, District Beed. The applicants are also praying for interim maintenance to them to the tune of Rs.15,000/- per month.

2. Applicant No.1/wife married respondent No.1/husband on 25/12/2015. After marriage, she went to reside with respondent No.1, who is working as AirMan in the Air Force and is stated to be earning more than Rs.80,000/- per month. In view of the marital discord between them, the applicant/wife started residing separately along with applicant No.2/her minor son.

3. Applicant No.1 had filed Criminal M.A. No.294/2021 under the Protection of Women from Domestic Violence Act, 2005 (for short 'the D.V. Act') against her husband and in-laws, claiming protection orders, residence orders, monetary relief and compensation. However, the learned Judicial Magistrate First Class, Ashti, District Beed, rejected the said application vide order dated 19/08/2023. The said application was rejected on the ground that the applicant had not

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proven her allegations of domestic violence with strong and reliable evidence and that there was no justification as to why she was voluntarily residing separately from her husband voluntarily.

4. Being aggrieved by the aforesaid judgment and order of the learned JMFC, the applicant/wife preferred appeal before the learned Sessions Court. The said appeal came to be registered as Appeal No.72/2023. The learned Sessions Court rejected the said appeal insofar as applicant No.1/wife is concerned, and granted maintenance of Rs.5,000/- per month to applicant No.2/child. The learned Sessions Court observed that, though there is a dispute between the parents, the child has right to maintenance from his father and the respondent/father cannot shirk his obligation to maintain his son. The learned Sessions Court considered the income of respondent/husband to be around Rs.65,000/- to Rs.70,000/- per month and vide judgment and order dated 04/06/2024, rejected the appeal preferred by applicant No.1/wife, however, granted maintenance of Rs.5,000/- per month to applicant No.2/son.

5. Being aggrieved by the aforesaid judgments of learned JMFC and the learned Sessions Judge, the applicant/wife has preferred the instant revision application.

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6. Heard learned Advocate Mr Syed for the applicants and learned Advocate Mr Karpe for the respondents.

7. Mr Syed, learned Advocate for the applicant/wife submits that, both the learned subordinate Courts failed to appreciate the evidence in proper perspective and adopted a very narrow interpretation of domestic violence under the D.V. Act. He submits that the subordinate Courts have given undue weightage to the unnecessary circumstances and to the attempts made by the husband for reconciliation. He further submits that the learned subordinate Courts erred in dismissing the wife's medical claims. According to him, the subordinate Courts also failed to appreciate that, once certain allegations of domestic violence were brought on record, the respondent/husband ought to have been directed to pay the maintenance as per the demand of the applicant/wife. According to learned Advocate for the applicant, even if the domestic violence is not proved, the principle of equity suggests that the wife should not be left without financial support. He, therefore, submits that the learned subordinate Courts, by denying maintenance to the applicant/wife, have virtually left her destitute, and therefore, the orders passed by the learned Trial Court as well as the learned Appellate Court are patently

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illegal. He submits that this Court is required to interfere with the said orders, quash and set aside the same and direct the respondent/husband to pay the maintenance, as prayed by the applicant/wife.

8. Mr. Syed, learned Advocate for the applicants further adds that, when the dispute between the applicant and the respondent/husband brought to the notice of the Air Force authorities, the Chief of the Air Staff had also directed the respondent/husband to pay an amount of Rs.15,000/- per month to the applicant/wife. However, the said order came to be withdrawn when it was pointed out to the said authority that certain maintenance had already been directed to be paid to the applicant No.2/child. He further submits that the amount of Rs.5,000/- is a very meager amount for a school-going child, and the applicant No.1/wife has no other source of income to maintain the child.

9. In support of his submissions, Mr Syed relies upon the following judgments :-

(I) Ashok Sunderjibhai Jadhav Vs. Madhu Ashok Jadhav and anr. (Writ Petition No.514/2019, dated 27/02/2024 of Bombay High Court);

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(II) Sanjay Vasant Bhagat Vs. Mrs Sampadha Sanjay Bhagat, 2021 (5) MhLJ (Cri) 259;

(III) Mayur Vs. Shyamal Mayur Birari (Criminal Writ Petition No.334/2025, dated 12/11/2025 of Aurangabad Bench of this Court); and

(IV) Gajanan Shankarrao Mate Vs. Sau. Vandana Gajanan Mate (Criminal Revision Application No.99/2022, dated 12/11/2024 of Nagpur Bench of this Court).

10. Mr Syed, therefore, submits that the instant criminal revision may be allowed by setting aside the impugned orders passed by the learned JMFC as well as the learned Sessions Judge, and the amount of maintenance may be enhanced.

11. Per contra, Mr. Karpe, learned Advocate for respondent/husband, strongly opposes the instant criminal revision application. He submits that both the orders passed by the learned Trial Court as well as the learned Appellate Court are absolutely clear and leave no room for any doubt. He then submits that the domestic violence is required to be proved before an order of maintenance to the wife. Unless and until it is established that the applicant/wife is an

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aggrieved person and a victim of the domestic violence, she is not entitled to any maintenance or the favorable order from the Court. He, therefore prays for dismissal of the present revision application.

12. To buttress his submission, learned Advocate Mr Karpe relies upon following judgments :-

(I) Koushik s/o Anil Gharami Vs. Sau. Sangeeta Koushik Gharami & others, 2014 ALL MR (Cri) 2398 and

(II) Mamta Gautam Wankhede Vs. Gautam Sukhdev Wankhede, (Criminal Writ Petition No.245/2017, dated 02/02/2018 of Nagpur Bench of this Court)

13. After hearing the learned Advocates for the respective parties, I have gone through the record and the impugned judgment and orders passed by both the subordinate Courts. It is required to be noted that powers of the learned Magistrate to grant monetary relief under Section 20(1)(d) of the D.V. Act includes the power to grant maintenance. The said relief is to be granted if the applicant/wife is suffering from certain losses, resulting from the domestic violence. Unless it is shown that the aggrieved person/wife or her child has suffered a loss as a consequence of domestic violence, no monetary

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relief can be granted under Section 20(1)(d) of the D.V. Act. The aggrieved person can always approach before the Court under Section 125 of the Cr.P.C. for grant of maintenance. Said maintenance granted under Section 125 of the Cr.P.C. would be an addition to the maintenance granted under the provisions of D.V. Act. However, in order to claim maintenance under the D. V. Act, there should be fresh circumstances amounting to domestic violence, leading to suffering of loss by the applicant/wife or her child. If no such circumstances are pointed out or proved, it would not be appropriate to grant maintenance under Section 20(1)(d) of the D.V. Act. In the instant case, both the subordinate Courts, in their impugned judgment and orders have observed that there is no domestic violence as pleaded by the applicant/wife. This Court, however notes that, while the applicant/wife must establish domestic violence to claim monetary relief for her own losses, the minor child stand on a different footing. The child is not required to prove domestic violence, particularly since he resides with his mother i.e. the applicant/wife and the respondent/husband, being his father, owes a natural and statutory duty to maintain him and provide the necessary financial support for his upbringing.

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14. It is also required to be noted that the arrangement made by the Appellate Court, directing the respondent/husband to pay Rs.5,000/- per month towards the maintenance of applicant No.2/child, is required to be considered in the facts and circumstances of the present case. However, since the respondent/husband was previously paying Rs.15,000/- p.m. to the applicant/wife and child pursuant to the directions of the competent Air Force Authority, which order was subsequently withdrawn, this Court finds that the maintenance amount of Rs.5,000/- p.m. warrants enhancement to the sum of Rs.15,000/- per month. The respondent/husband, however, will be at liberty to point out to the Court, if the question as regards granting of maintenance to applicant No.2/child arises in future in proceedings under Section 125 of Cr.P.C. At that time, the learned Court deciding the said application, would consider that the respondent/husband is already paying Rs.15,000/- p.m. to the child towards his maintenance.

15. In view of above discussions and observations, considering the responsibility of respondent No.1/husband towards applicant No.2/minor child, the amount of Rs.5,000/- per month granted by the learned Appellate Court appears to be inadequate and as the respondent/husband is earning more than Rs.70,000/- per month,

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he is directed to pay maintenance of Rs.15,000/- p.m. to applicant No.2, as was already directed by the Air Force Authority towards the monetary relief to applicant No.2 for his upbringing and expenses towards his education, etc. However, the said amount be paid from the date of this order.

16. In view of above, this criminal revision application, being devoid of merits, is dismissed. However, the order of maintenance, granting monetary relief to applicant No.2 is hereby modified to the extent of granting maintenance from Rs.5,000/- p.m. to Rs.15,000/- p. m.

17. Criminal Revision Application is disposed of accordingly.

[SUSHIL M. GHODESWAR, J.]

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