

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

CRIMINAL WRIT PETITION NO.413 OF 2002

Bhagwat Rangnath Dhasal

..Petitioner

Versus

Sau.Surekha Bhagwat Dhasal
and anr.

..Respondents

None for the petitioner

Mr V.S. Bedre, Advocate for respondent No.1

Mrs M.A. Deshpande, A.P.P. for respondent No.2

CORAM : N.W. SAMBRE, J.

DATE : 3rd September 2015

PER COURT

1. Learned Counsel for the petitioner is absent when the matter is called out. Even on the last occasion none appeared for the petitioner.

2. The order impugned in the present petition was passed in exercise of powers under Section 125 of the Code of Criminal Procedure in Criminal Misc. Application No.12 of 2000 at the behest of Surekha, the respondent herein claiming to be wife of the present petitioner. The petitioner herein has refused to maintain the respondent Surekha. The said application came to be filed seeking maintenance. The application came to be dismissed vide order dated 26th November 2001.

3. Revision at the behest of respondent-wife bearing Revision No.318 of 2001 came to be allowed by order dated 28th August 2002 passed by the learned Additional Sessions Judge, Ahmednagar granting maintenance of Rs.300/- per month.

4. With the assistance of learned Counsel for the respondent Mr Bedre, I have perused the findings recorded by learned Judicial Magistrate, First Class, Rahuri and that of the learned Additional Sessions Judge, Ahmednagar. Learned Judicial Magistrate, First Class, Rahuri, in paragraph 17 of the judgment has noted that the respondent has not produced any documentary evidence so as to demonstrate source of income of the present petitioner-husband.

5. The revisional Court, while dealing with the said issue has considered the holding of land by the present petitioner and other source of income. Learned revisional Court, relying upon the judgment of this Court in the matter of **Sudha @ Ranjana R. Patil Vs. Rajkumar Deoganda Patil**, reported in **1997 (2) Mh.L.J. 250** has ordered payment of maintenance of Rs.300/- per month in exercise of powers under Section 125 of the Code of Criminal Procedure. The findings recorded, in my opinion, are based on the evidence based on the available record and pleadings in support thereof.

6. The appropriate reasons are recorded by learned Additional Sessions Judge while awarding the maintenance of Rs.300/- per month. No case for interference is made out. The petition fails, stands dismissed.

(N.W. SAMBRE, J.)

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