

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
CRIMINAL APPELLATE JURISDICTION.**

Criminal Revision Application No. 70 Of 2014.

Popat Bhagwat Salve.
Age : 32 Years., Occ.: Labourer.
R/o.: Vishal-nagar, Jawahar Colony,
Aurangabad,
District – Aurangabad.
At Present.
R/o.: Jamdi (Jahagir), Tal. Kannad.
District – Aurangabad.

Applicant.

Versus

- (1) The State of Maharashtra.
- (2) Nirmala Popat Salve.
Age : 28 Yrs., Occ.: Household.
- (3) Deepali Popat Salve.
Age: 6 Yrs., Occ.: Education.
- (4) Manisha Popat Salve.
Age: 8 Yrs., Occ.: Education.

Respondents.

Respondent Nos. 3 & 4 are
minor and under guardianship
of Resp.No.2.
Resp.Nios. 2 to 4 R/o.: c/o.
Sanjay Rama Dhanraj (Mama).
R/o.: Kabir Nagar, Osmanpura,
Aurangabad.
District – Aurangabad.

Appearance =>

Mr. G.N. Chincholkar, Advocate [Appointed] for the Applicant.

Mr. D.V. Tele, Additional Public Prosecutor for the State of Maharashtra – Respondent No.1.

Mr. P.M. Gaikwad, Advocate for Respondent Nos. 2 to 4.

CORAM : V.M. Deshpande, J.

DATE : 23rd July, 2015.

ORAL JUDGMENT :-

Rule. Rule returnable made forthwith. With consent of learned counsel for the parties, Criminal Revision Application is taken up for final hearing.

[2] Present Criminal Revision Application is arises out of the Judgment and Order dated 25th March, 2013 passed by the I/c. Principal Judge, Family Court, Aurangabad in Petition No.E.98.2010 under Section 125 of the Code of Criminal Procedure whereby, the learned Judge of the Family Court allowed the said Application, filed by Respondent Nos. 2 to 4.

[3] Heard Mr. G.N. Chincholkar, learned counsel for the Applicant, Mr. D.V. Tele, learned Additional Public Prosecutor for Respondent No.1 and Mr. P.M. Gaikwad, learned counsel for Respondent Nos. 2 to 4.

[4] By the impugned Judgment and Order, the learned Judge of the court below directed that the Applicant to pay monthly maintenance allowance @ Rs.1500/- to Respondent No.2-wife and @ Rs.1000/- each to

Respondent Nos. 3 and 4 – daughters, from the date of the application i.e. 19th April, 2010.

[5] At the outset, the learned counsel for the Applicant has submitted that the Applicant is not disputing his marital status with Respondent No.2 and that Respondent Nos. 3 and 4 are his daughters. He submitted that the learned trial court has fixed the amount of maintenance on higher scale. It is his further submission that annual income of Applicant is only Rs.35,000/- and for that he invited my attention to page No.36 of the compilation.

[6] After the parties entered into the witness-box, before the court below, it was specific case of the present Applicant that Respondent No.2 / wife is working as “Anganwadi Sevika”, however, surprisingly, no document has been filed by the present Applicant on record to prove that Respondent No.2 is serving as Anganwadi Sevika. That aspect is rightly considered by the learned trial court. In so far as certificate of income which filed before this court is concerned, it is clear that said certificate was not filed on record during the course of proceedings before the family court. The learned trial court has considered the income of the present Applicant and thereafter, reached to the conclusion. The amount of maintenance granted in favour of Respondent Nos. 2 to 4, in my view is not on higher side, if the price index is considered.

[7] Further the learned counsel for the Applicant has admitted that Applicant has not taken care of paying any amount of maintenance even for his daughters. Wife and daughter are entitled to receive the amount of maintenance from the husband. In the present case, there is ample evidence on record to show that, present Applicant has willfully

refused and neglected to maintain his wife and daughters. The learned counsel for the Applicant has also not raised any quarrel about said findings recorded by the trial court. In that view of the matter, it is not a case, where-in the court should exercise the discretion in favour of present Applicant. Hence, criminal revision application is dismissed. Rule discharged.

[8] Legal Services Sub Committee, High Court of Judicature at Bombay, Bench at Aurangabad shall pay Rs.5000/- [Rs. Five Thousand.] to Mr. G.N. Chincholkar, learned counsel towards the professional charges.

Criminal Revision Application is dismissed.

(V.M. DESHPANDE, J.)