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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR.**

**Cri. Application (APL) No. 358 of 2015**  
**Bhaskarrao v. Sau Kamal**

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's Orders.

Court's or Judge's orders.

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Mr V. D. Darne, Adv for applicant

CORAM : V. M. DESHPANDE, J

DATED : 22<sup>nd</sup> September 2015

1. Heard Mr V. D. Darne, learned counsel for applicant.

2. The applicant is challenging order passed by learned Judicial Magistrate, FC, Yavatmal dated 26<sup>th</sup> March 2012 in Misc. Criminal Application No. 333 of 2009 allowing the application of the respondent-wife filed under Section 125 Cr. P. C. and thereby granting maintenance of Rs. 2000/- per month together with judgment and order passed by the learned revisional Court on 31.12.2014 in Criminal Revision No. 31 of 2012 whereby the revision filed on behalf of the applicant was rejected and order passed by the learned Magistrate was confirmed.

2. The only submission of the applicant before this Court is that parties had executed a Deed of Divorce and it was registered in the year 1992 and, therefore, respondent-wife is not entitled to claim

maintenance in view of the provisions contained in sub-section (4) of Section 125 Cr. P. C.

3. The execution of Deed of Divorce is duly considered by both the Courts below. It is pertinent to note that the applicant has failed to prove before the Courts below that there prevailed custom in the community to give divorce by executing such Deed of Divorce. Further, the applicant could not prove the Deed of Divorce and that fact is duly considered by both the Courts below.

4. Hence, no case is made out for interference. Application is dismissed.

JUDGE

*joshi*