

(1)

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

CRIMINAL WRIT PETITION NO. 562 OF 2016

Deepak Dinkar Marathe,
Age: 33 years, Occu: Nil,
R/o : Ambe Wadgaon,
Tq. Pachora, Dist. Jalgaon

..PETITIONER

VERSUS

1. Madhuri Deepak Marathe,
Age: 27 years, Occu: Business,
R/o: Mahatma Phule Nagar, Parola,
Tq. Parola, Dist. Jalgaon

2. Lokesh Deepak Marathe,
Age: 6 years,
Minor U/g. of Respondent No. 1

3. The State of Maharashtra

..RESPONDENTS

Mr S. R. Dheple, Advocate for petitioner;
Mr R. V. Dasalkar, Addl. Public Prosecutor for respondent No. 3

CORAM : N.W. SAMBRE, J.

DATE : 3rd May, 2016

ORAL ORDER :

Pursuant to the Criminal Misc. Application No. 259 of 2010, filed by the respondent Nos. 1 and 2 - wife and son respectively, the learned Judicial Magistrate First Class, Parola, by an order dated 28th June, 2013, awarded maintenance of Rs. 2,000/- to respondent No. 1-wife and Rs. 2,000/- to respondent No. 2-son.

(2)

2. In Criminal Revision No. 53 of 2013, filed by the petitioner, the above order came to be maintained, as the revision came to be dismissed on 18th March, 2016 by the learned Ad-hoc District Judge-1 and Additional Sessions Judge, Amalner. As such present writ petition.

3. The learned Counsel appearing on behalf of the petitioner made two fold submissions :

(a) that, even if the petitioner is educated, he is doing labour work as there are responsibilities as such, maintaining his parents, etc. &

(b) that, the petitioner is ready and willing to reside with the respondents i.e his wife and son

4. So far as the first claim of the petitioner about the income is concerned, the learned Courts below have considered the qualification of present petitioner as M.Com (post graduate) and the Courts thereafter observed that even if he is doing labour work, in addition he is having agricultural holdings, have proceeded to award maintenance of Rs. 2,000/- to wife and Rs. 2,000/- to son.

5. In view of the source of income of the present petitioner, as is taken into account, so far as the quantum of the maintenance awarded, in my opinion, is not called for any interference.

(3)

6. So far as second limb of submission of the learned Counsel appearing on behalf of petitioner that the petitioner is ready and willing to reside with his wife and son is concerned, it is always open for the petitioner to initiate appropriate proceedings for the same, which issue hardly of any assistance.

7. In the above background, Criminal Writ Petition fails and stands dismissed.

(N.W. SAMBRE, J.)

sjk