

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

CRIMINAL WRIT PETITION NO. 85 OF 2004

Venkatrao s/o Anandrao Davne,
Age: 44 years, Occ: Service,
R/o. Ardhapur, Tq. Ardhapur,
Dist. Nanded.

...Petitioner

versus

Sanjeevani w/o Venkatrao Davne,
Age: 36 years, Occ: Household,
R/o. Hayatnagar, Tq. Basmath,
Dist. Hingoli & anr.

...Respondents

.....
Mr. N.R. Thorat, Advocate h/f Mr. A.R. Borulkar, Advocate for
petitioner
Ms. R.P. Gour, A.P.P. for respondent/State
.....

CORAM : N.W. SAMBRE, J.

DATE : 2nd MAY, 2016

ORAL ORDER :

The order under Section 127 of the Code of Criminal Procedure, granting maintenance to the wife @ Rs.1500/- per month came to be passed by learned Judicial Magistrate, Parbhani vide order dated 03/03/2002. The revision carried to the Court of Additional Sessions Judge, Parbhani came to be dismissed at the behest of both the parties i.e. husband and wife, by the judgment and order dated 01/11/2003. As such, present criminal writ petition, by the husband.

2. Admittedly, the husband is working as forest labour and earlier, he has suffered the order passed under Section 125 of the Code of Criminal Procedure could be inferred from the proceedings, as the order under Section 127 of the Code of Criminal Procedure is questioned herein.

3. Both the Courts below have considered that though in the application filed under Section 127 of the Code of Criminal Procedure, sufficient pleadings are placed on record by respondent-wife, in absence of any evidence, it was expected of the present petitioner-husband to place on record his salary slip.

4. In my opinion, the observations made by both the Courts below, particularly while dealing with the application under Section 127 of the Code of Criminal Procedure, do not call for any interference in extraordinary jurisdiction, in view of the fact that it is admitted position that the petitioner is working as forest labour.

5. As such, criminal writ petition fails and stands dismissed.

[N.W. SAMBRE, J.]