

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

CRIMINAL WRIT PETITION NO. 96 OF 2004

Shobhabai w/o Gangadhar More,
Age: 34 years, Occ: Labour,
R/o. Lohgaon Babli, Tq. Dharmabad,
Dist. Nanded.

...Petitioner

versus

1. Gangadhar s/o Digambar More,
Age: 38 years, Occ: Labour,
R/o. Lohgaon, Tq. Biloli,
Dist. Nanded.

2. The State of Maharashtra.

...Respondents

.....
Mr. U.B. Bilolikar, Advocate for petitioner
Mr. A.R. Kale, A.P.P. for respondent/State
.....

CORAM : N.W. SAMBRE, J.

DATE : 28th APRIL, 2016

ORAL ORDER :

In the application moved by petitioner-wife under Section 125 of the Code of Criminal Code, learned Judicial Magistrate, First Class, Dharmabad, vide order dated 10/07/2003, awarded monthly maintenance of Rs.500/-, which was reversed by learned Additional Sessions Judge, Biloli in exercise of revisional jurisdiction, by judgment and order dated 17/12/2003. As such, present criminal writ petition.

2. Learned revisional Court, having taken into note of the fact that the petitioner has failed to satisfy the requirements of Section 125 of the Code of Criminal Procedure and the fact that four minor children were left at the mercy of respondent-husband, has refused to order the maintenance. In my opinion, looking to the ingredients of Section 125 of the Code of Criminal Procedure, no fruitful purpose will be served in exercising the extraordinary jurisdiction in favour of the petitioner, in the background of observations in the order passed by the revisional Court. As such, criminal writ petition fails and stands dismissed.

[N.W. SAMBRE, J.]