

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

CRIMINAL WRIT PETITION NO. 662 OF 2006

Balaji s/o Khandu Bansode,
Aged : 25 years, Occupation : Private Service,
R/o Mahadev Galli, Harangal (Bk.),
Taluka and District Latur.

...PETITIONER

-VERSUS-

Meera w/o Balaji Bansode,
Aged : 19 years, Occupation : Household,
R/o Mahalangra, District Latur.

...RESPONDENT

...
Advocate for Petitioner : Ms.Supriya Pansambal h/f Shri V D Gunale.
APP for the State : Shri N.T.Bhagat.
...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 14th June, 2016

Oral Judgment:

1 The Petitioner/ husband is aggrieved by the judgment and order dated 31.07.2006 passed by the learned 2nd Adhoc Additional Sessions Judge, Latur, by which Criminal Revision No.41/2006 filed by the Respondent/ wife was allowed and the Petitioner was directed to pay maintenance to the Respondent/wife at the rate of Rs.500/- per month from the date of the application.

2 This matter was admitted by this Court on 26.02.2009. However, interim relief has not been granted.

3 The learned Advocate for the Petitioner strenuously submits that there was no material before the Revisional Court to cause an interference in the judgment of the learned JMFC dated 14.03.2006 by which the application of the Respondent/ wife seeking maintenance allowance under Section 125 of the Code of Criminal Procedure was dismissed.

4 The learned Advocate has taken me through the judgment of the Trial Court and has pointed out specifically from paragraph 11 onwards to support her contention that there was no evidence before the Trial Court that the Petitioner was ill-treating the Respondent or that he had beaten her and that demand for dowry was made. It is further pointed out from the discussion on oral and documentary evidence in the judgment of the Trial Court that the contention of the Respondent that she was being ill-treated within a fortnight of their marriage, was held to be improbable since according to the learned JMFC, the period of cohabitation was short to cause ill-treatment to the Respondent.

5 The learned Advocate for the Petitioner has strenuously taken

me through the conclusions drawn by the Trial Court and has contended that in the absence of any evidence of ill-treatment which could be the basis for the Respondent to leave the marital home out of fear of physical injury, the Revisional Court could not have interfered with the conclusions of the Trial Court. She submits that merely because a second view is possible, the findings of the Trial Court are not to be upset by the Revisional Court considering the limited scope of revisional jurisdiction.

6 None appears for the Respondent/ wife.

7 I have considered the submissions of the learned Advocate for the Petitioner.

8 The short issue before the learned JMFC was as to whether, there was any evidence of ill-treatment by the Petitioner and his family members, which could be a cause for the Respondent to leave the marital home out of fear of physical injury or out of apprehension of threat to her life. From the discussion in the judgment of the Trial Court, it appears that the Trial Court has failed to consider that after the Petitioner began ill-treating the Respondent, she had rushed to the MIDC Police Station and had filed the complaint. The allegations of ill-treatment at the hands of the Petitioner were voiced in the said complaint vide which the

Respondent had invoked Sections 498-A and 232 of the Indian Penal Code. The Petitioner in fact has admitted in his cross-examination that the Respondent had filed such a complaint with the MIDC Police Station on 02.08.2005. This aspect was noticed by the Revisional Court as being concrete evidence of the contention of the Respondent that she was being ill-treated by the Petitioner. This aspect was lost sight of by the Trial Court and which was noticed by the Revisional Court.

9 Considering the above, I do not find that the impugned judgment of the learned 2nd Adhoc Additional Sessions Judge, Latur dated 31.07.2006 could be termed as being perverse or erroneous. This Criminal Writ Petition being devoid of merit is, therefore, dismissed. Rule is discharged.

kps

(RAVINDRA V. GHUGE, J.)