

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.4363 OF 2014

Shri Pradeep Trimbak Aher.] ... Petitioner

Versus

Mrs. Prerna Pradeep Aher and Ors.] ... Respondents

Mr. Sachin Gite for Petitioner.

Mr. Arun Rajput h/f Ms. Anjali Patil for Respondent Nos.1 to 4.

Ms. V. S. Mhaispurkar, APP for State.

CORAM :- RAVINDRA V. GHUGE, J.

DATE :- JULY 08, 2016

P. C. :-

1. Rule. Rule made returnable forthwith and heard finally by the consent of the parties.

2. The petitioner is aggrieved by the order dated 07/12/2013 passed by the learned Judicial Magistrate First Class, 2nd Court, Nashik Road, in Criminal Miscellaneous Application No.329 of 2011.

3. The petitioner submits that the learned Magistrate had directed the petitioner to pay an amount of Rs.20,000/- per month as maintenance allowance to the respondent no.1 - wife and her children together and to pay an amount of Rs.1,00,000/- towards the

compensation for mental torture, emotional distress, economic violence and domestic violence. Certain other directions were also issued.

4. Being aggrieved by the order of the learned Magistrate, the petitioner preferred Criminal Appeal which has been partly allowed and the petitioner is directed to pay Rs.5,000/- per month as maintenance allowance to the respondent no.1 - wife and Rs.5,000/- for maintaining his daughter who lives with his wife. Said payment is made effective from the date of the application. The petitioner is also directed to pay for the educational expenses of his daughter, including the tuition fees, fees for hostel facilities, lodging and boarding. Compensation was reduced from Rs.1,00,000/- to Rs.50,000/-.

5. The petitioner has seriously criticized the impugned orders. His contention is that an exorbitant amount has been directed to be paid as maintenance allowance and that too from the date of the application. It is further submitted that the Appeal Court should have directed the payment of maintenance only from the date of the order since it creates a huge financial burden on the petitioner.

6. The learned Counsel for respondent nos.1 to 4 has supported the impugned orders. He, however, concedes that respondent nos.1 to 4 have not challenged the Judgment and Order of the learned Additional Sessions Judge dated 16/05/2014 by preferring any proceeding before this Court.

7. Having considered the submissions of the learned Counsel, it is apparent that the Appeal Court has reduced the maintenance amount from Rs.20,000/- per month to Rs.10,000/- per month for the wife and daughter of the petitioner. Compensation amount has been reduced from Rs.1,00,000/- to Rs.50,000/-.

8. I find from the record that the petitioner was drawing a salary of about Rs.47,678/- as in December 2013. After a passage of 2.1/2 years, the gross salary must have naturally grown. The main appeal before the learned Sessions Judge is still pending.

9. In the light of the above, I do not find that the impugned orders could be termed as being perverse or erroneous. No interference is therefore called for.

10. This petition being devoid of merits, is therefore dismissed.

11. Needless to say that the parties shall cooperate with the learned Additional Sessions Judge, Nashik, for seeking expeditious disposal of Criminal Appeal No.2 of 2014, if still pending.

(RAVINDRA V. GHUGE, J.)