IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APL) NO. 520 OF 2015
(SANTOSH CHARANDAS MADRE...VS..SMT. KOMAL SANTOSH MADRE & ANR.)

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders	Court's or Judge's orders

CORAM : Z.A.HAQ, J.
DATED : MARCH 28, 2016.

None appeared for the applicant as well as the non-applicant No.1 in the morning session. The matter was kept back. Again in afternoon session when the matter is called out none appeared for the applicant as well as the non-applicant No.1.

Shri A.D. Sonak, learned A.P.P. appears for the non-applicant No.2/ State of Maharashtra.

This is an application under Section 482 of the Code of Criminal Procedure challenging the order passed by the learned Sessions Judge directing the applicant (husband) to pay interim maintenance @ Rs.Two Thousand per month to the non-applicant No.1 (Wife).

With the assistance of the learned A.P.P., I have examined the documents placed on the record of this application. The challenge on behalf of the applicant is that the learned Sessions Judge has committed an error by allowing the appeal filed by the non-applicant No.1 (wife) and directing the applicant (husband) to pay the interim maintenance, without properly appreciating the evidence on

record. It is further contended that the Sessions Court has not considered the effect of "*Aapsi Farkat Nama*" (Talaquenama) because of which the non-applicant No.1 wife is not entitled for maintenance. It is further urged in the grounds that there is no evidence on record to conclude that the applicant is liable to pay Rs.Two Thousand per month towards interim maintenance.

The learned Sessions Judge has considered all the relevant aspects in paragraph Nos. 9 and 10 of the impugned order. Though there is no evidence on record to show the income of the applicant, the learned Sessions Judge has rightly relied on the description of the parties as shown in the *Farkatnama* which refers the applicant as 'Businessman'.

I see no perversity in the impugned order. The application is **dismissed**. In the circumstances, the parties to bear their own costs.

JUDGE

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