

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL REVISION APPLICATION NO.222 OF 2017
IN
CRIMINAL APPEAL NO.740 OF 2016
WITH
CRIMINAL REVISION APPLICATION NO.243 OF 2017**

Prashant Pandit Salve .. Applicant.

Vs.

Suvarna Prashant Salve & Ors. .. Respondents.

Mr.Prakash Mahadik for the Applicant.

Mr.Raviraj S. Gamare for Respondent No.1.

Mr. V.S. Chat APP for the State.

CORAM : A. K. MENON, J.

DATED : 14TH JUNE, 2017

P.C. :

1. By this Revision Application Nos.222 of 2017 and 243 of 2017 the applicant challenges the common judgment dated 4th March, 2017 in Criminal Appeal Nos.740 of 2016 and 742 of 2016. Criminal Appeal No.740 of 2014 was filed by the revision applicant-husband and Criminal Application No.742 of 2016 was filed respondent-wife and her minor son. In the order the Sessions Court has upheld the order passed by the Metropolitan Magistrate granting interim maintenance of Rs.8,000/- per month for the respondent-wife and Rs.4,000/- per month for the son. In addition, Rs.8,000/- towards monthly rent

payable for accommodation. Thus the amount of Rs.20,000/- per month is directed to be paid by the Magistrate Court has been confirmed. The order has been directed to be operative from the date of the application before the Magistrate. In addition to the above, by an order of the Family Court dated 7th September, 2009 a sum of Rs.5,000/- per month was payable. Thus in all Rs.25,000/- is directed to be paid by the applicant. The respondent-wife had made the application for maintenance on the basis that the applicant was drawing salary of more than Rs.1,50,000/- since he was employed in a nationalised bank in a senior position. Thus, she had sought interim maintenance of Rs.40,000/- for herself and Rs.20,000/- for the minor child. In addition, she sought a sum of Rs.10,000/- towards monthly rent in respect of accommodation.

2. The Courts below during the course of hearing ascertained that the salary paid to the applicant was not Rs.1,50,000/- but proceeded on the basis that the salary was between Rs.70,000/- to Rs.75,000/- based on statements made across the bar by the revision applicant. The Sessions Court in the impugned order observed that no document was produced to establish the actual income of the applicant. However, it proceeded on assumption that he would be getting handsome salary. Having heard counsel for the parties and having perused the orders of Court below the applicant has been paying Rs.5,000/- per month as ordered by the Family Court. It is pertinent to note that in this application the applicant has produced his salary slip for the month

of November 2016 which indicates that his gross salary as on that day was Rs.83,590.41 providing for provident fund, loan installment and interest amounting to Rs.7,785/- and tax payable if still leaves him a net salary of Rs.58,458.41. Thus, although the trial Court found in favour of the respondent only on the basis of a statement across the bar and on assumption of salary slip now produced is not in dispute. Accordingly, one can proceed on the basis that net salary as shown in salary slips of November 2016, December 2016 and January 2017 is currently being drawn by him and as reproduced in Exhibit-C Colly. The learned counsel for the respondent-wife states that the applicant is in arrears of maintenance to the tune of Rs.6,80,000/-. On the last occasion when this matter was heard, time was granted to the parties since they were both confident of arriving at a workable solution as to payment of arrears and further payment of house rent. However, today Mr.Mahadik states on instructions that the settlement has not fructified.

3. In the circumstances I find no reason to interfere with the order. The order is fair and not unreasonable. Hence, I pass the following order :

- (i) Revision applications are dismissed.
- (ii) There will be no order as to costs.

(A.K. MENON, J.)