

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

CRIMINAL APPLICATION (APL) NO.19 OF 2016

Mr. Milind Chandraji Alone

..vs..

Jyoti Milind Alone (as claimed by the non-applicant) real name (Jyoti w/o Sanjay Ramrup Singh)

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

Court's or Judge's Order

Shri R.R. Vyas, Counsel for the applicant.

CORAM : V.M. DESHPANDE, J.

DATED : AUGUST 3, 2017.

Heard learned counsel Shri R.R. Vyas for the
applicant.

Concurrent findings of facts are questioned in this
application under Section 482 of the Code of Criminal
Procedure, 1973.

Non-applicant/wife was required to file
proceedings under Section 125 of the Code of Criminal
Procedure, 1973 for grant of maintenance. The said proceedings
were registered as Misc. Criminal Case No.35 of 2012.

According to averments made in the said
application, marriage between the non-applicant and the
applicant took place on 20.12.2011 as per rituals of 'Buddha
Dharma'. Prior to marriage, the applicant, who is also one of
relatives of the non-applicant, established physical relations

with the non-applicant. Therefore, relatives of the non-applicant requested higher officials of the present applicant to intervene and, thereafter, marriage took place. As per pleadings, it is the applicant who has withdrawn himself from the company of the non-applicant and, thereafter, he did not pay any attention for her maintenance. Resulting into, filing of the proceedings before the Court below.

The applicant contested the said proceedings by filing written statement. He denied the marriage itself even before this Court, that is the only stand taken by the present applicant.

During the course of evidence, the non-applicant proved a memorandum of marriage which is placed on record at Exhibit 32 which was given by the Sanstha at which marriage between the applicant and the non-applicant took place. The said document bears signature of the present applicant accepting that he is the husband of the non-applicant.

According to learned counsel Shri R.R. Vyas for the applicant, the said document is a bogus one. However, till today, no proceeding is filed either against the non-applicant or the Sanstha seeking declaration that the said document be declared as *null and void* and is not binding on the present applicant.

It appears that the applicant, who is working as a Police Constable, has initially exploited the girl physically and

when he was required to marry with the applicant, has abandoned his duty to maintain his wife. Both the Courts below have considered this aspect in its correct perspective.

Looking to the salary of the police constable, which is duly proved by the Courts below, the applicant shall pay Rs.5,000/- (rupees five thousand only) by way of monthly maintenance.

Findings recorded by both the Courts below are in conformity with the settled principles of law. No perversity is pointed out by learned counsel for the applicant. The criminal application is rejected.

JUDGE

!! BRW !!