

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

CRIMINAL APPLICATION (APL) NO.475/2015

Shri Bitchu s/o Korke Vadde ..vs..Sau. Shridevi Bitchu Vadde and ors.

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

Court's or Judge's orders.

Mr. Ved Deshpande, Advocate for applicant.

CORAM : V.M. DESHPANDE, J.

DATED : JUNE 16, 2017

Heard Mr. Ved Deshpande, learned counsel for the applicant. Nobody appeared for the non applicants though served.

The present application is directed against the judgment of the learned Sessions Judge, Gadchiroli dated 12.02.2015 in Criminal Appeal No.10/2015 by which the learned Sessions Judge allowed the appeal filed on behalf of the respondents and thereby directed the present applicant to pay the monthly amount of Rs.3,000/- to each of the non applicants by way of maintenance from the date of the order i.e. 12.02.2015.

Initially, the proceeding under Section 12 of the Protection of Women from Domestic Violence Act 2005 were filed by the present non applicant before the J.M.F.C. Chamorshi. The said were registered as Misc. Criminal Case No.18/2012. The said proceedings were hotly contested by the present applicant in which he took a stand that the present non applicant no.1 is not his wife. However, the applicant in the present proceeding failed to prove the said aspect. Further, he denied the paternity of non applicant nos.2 and 3. The learned Magistrate, vide order dated 28.02.2013, allowed the

proceeding filed under the Protection of Women from Domestic Violence Act and directed that Rs.3,000/- be paid to each of the non applicants and also Rs.1,000/- by way of rent.

This order was challenged by the non applicant before the Sessions Judge by filing an appeal.

According to the learned counsel for the applicant, the present applicant is partially blind. However, it is not in dispute that the applicant is serving as teacher and is drawing handsome salary. The learned Sessions Judge has considered the salary certificate of the applicant, which was placed on record at Exh.-22. It shows that the total salary is Rs.23,870/-. After considering the said quantum of salary, I am of the view that rise from Rs.1,000/-to Rs.3,000/- to each of the non applicant is not excessive.

In view of above, the application is devoid of substance and needs to be rejected. The application is rejected accordingly.

JUDGE