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

CRIMINAL APPLICATION NO.936 OF 2015

Mohd. Isaque Khan @ Firozkhan
s/o Gulam Harun, Aged about 41 years,
Occ: Service, R/o. Ward No.12,
Behind Urdu Primary School No.1,
Mehkar, Tq. Mehkar, Dist. Buldhana. ..APPLICANT

VERSUS

1. Zuber Anjum d/o Aanis Ahmed
Khan, aged about 34 years,
Occ: Household,
2. Saniya khan d/o Firoz Khan,
Aged about 10 years,
Occ: Education,

Both R/o. C/o. Anis Ahmed Khan,
Modkewadi, Near Bye-pass,
Akola, Tq. & Dist. Akola. ..RESPONDENTS

Mr S.V. Sirpurkar, Advocate i/b Ved Deshpande,
Advocate for applicant;

CORAM : N.W. SAMBRE, J.

DATE : 15th MARCH, 2017

ORAL ORDER :

Heard Mr. Sirpurkar, learned Counsel,
assisted by Mr. Deshpande, learned Counsel for the
applicant.

2. The order passed under Section 127 of the

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Code of Criminal Procedure, enhancing the maintenance to wife from Rs.1500/- per month to Rs. 3000/- per month and from Rs.800/- per month to s. 2500/- per month to child, by the Family Court, Akola, in Petition No. 61 of 2013, on 5th March, 2015, is questioned in the present proceedings.

3. It is not in dispute that applicant was married to respondent No.1 on 13th December, 2002 and Talaknama was executed on 6th June, 2005. On 31st August, 2003, Saniya – respondent No.2 came to be born out of the said wedlock.

4. Learned Counsel for the applicant would urge that the order of enhancement of maintenance, particularly enhancing maintenance at exorbitant rate is not sustainable, as according to him, there was hardly any material on record to infer the gross salary of present applicant to be Rs.35,704/- per month. A submission is also made that there are other responsibilities and liabilities to the applicant to maintain his own family and as such, award of maintenance to the total tune of Rs.5500/-

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per month is exorbitant.

5. With the assistance of learned Counsel for the applicant, I perused the order impugned enhancing the maintenance. Learned Family Court while dealing with the prayer for enhancement of maintenance has considered salary slip of the applicant, wherein gross salary of the applicant is shown to be Rs.35,704/- per month. The applicant is serving as public servant in CRPF and said document is rightly relied upon by the Family Court while passing order of enhancement on 5th March, 2015.

6. In my opinion, no case for interference is made out. As such, criminal application fails and stands rejected.

(N.W. SAMBRE, J.)

Tupe