

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.4985 of 2017

Sidhram Irappa Bansode	.. Petitioner
Versus	
Chandrabhaga Sidhram Bansode	
and others	.. Respondents

...

Mr. R.S. Alange for the petitioner.
Mrs.P.P. Shinde, APP for the State.

CORAM: SMT. BHARATI H.DANGRE, J

DATED : 4th SEPTEMBER, 2018

P.C:-

1 The present Writ Petition assails the order passed by the Addl. Sessions Judge, Solapur in an Appeal under Section 374 of the Code of Criminal Procedure. The Appeal was filed being aggrieved by the order of the Judicial Magistrate First Class in Criminal Miscellaneous Application No.180 of 2010 filed by the respondent-wife under Section 12 of the Protection of Women from Domestic Violence Act. The applicant wife who is legally wedded to the present petitioner had approached the

Court seeking maintenance for herself as well as their daughter who is physically challenged. She made a specific statement that the petitioner husband was working as a clerk with the Post and Telegraph Department and she made allegations of Domestic Violence. At the time when the application was filed, the petitioner husband had already retired, but it was alleged by the wife that he was also getting income from the House property. On the contrary, she prayed that she is unable to maintain herself and daughter who is physically challenged and is totally dependent on her and she claims maintenance from the husband.

The learned Magistrate awarded the maintenance of Rs.1500/- for herself and her physically challenged daughter. The said matter was challenged in Appeal by the present petitioner and the Addl. Sessions Judge, Solapur by the impugned order dated 28th July 2017, on consideration of the material brought on record, including the amount of pension, which the present petitioner is receiving and by taking into consideration the earning of Rs.8,000/- per month has confirmed the said order passed by the learned Magistrate. The

Appellate Court has also observed that in the present day scenario, an amount of Rs.1500/- is also a meager amount. However, taking into consideration the earnings of the petitioner and fact that he was also solely dependent on the amount of pension, he has maintained the amount of Rs.1500/- towards maintenance.

2 On hearing the learned counsel for the petitioner and on perusal of the impugned orders, it can be seen that the concurrent finding recorded by the Court cannot be said to be perverse or illegal and it is rather borne from the record, taking into consideration the earnings of the husband and the needs of the wife and the physically challenged daughter. In such circumstances, the writ petition is without any merit and substance and deserves a dismissal.

3 The order passed by the Courts below are upheld and writ petition is dismissed.

(SMT. BHARATI H. DANGRE, J.)