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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.542 OF 2017

Dinesh Rajkumar Thapar	..Applicant.
V/s.	
Mrs.Bhavika Dinesh Thapar & Anr.	..Respondents.

Ms.Veena M.Dubey for the applicant.

Mr.B.D. Bahal for respondent No.1.

Mr.Y.Y. Dabke, APP for respondent-State.

CORAM: NITIN W.SAMBRE, J.

DATE : FEBRUARY 28, 2018

PC.:-

Heard the respective parties.

2. The order impugned is dated September 7, 2017 passed by the learned Additional Sessions, Greater Mumbai in Criminal Appeal No.759/2016, whereby the maintenance amount of Rs.10,000/- per month with additional amount of Rs.10,000/- towards alternative accommodation charges came to be directed to be paid by the applicant to the respondent-wife.

3. The order in appeal passed under the Protection of Women from Domestic Violence Act, 2005 ('D.V. Act' for short) is questioned by the present applicant on the ground that the respondent-wife is able-bodied lady and well educated and as such can maintain herself by having an independent source of income. A further submission is made that the applicant is in financial difficulty and as such, not in a position to pay the amount of maintenance and accommodation, as ordered. It is also submitted that the daughter born out of the wedlock is also in the custody of the applicant and being taken care of and as such, liability of maintenance and accommodation ordered, deserves to be set aside.

3. The learned counsel for respondent No.1. submits that the amount as was ordered to be paid towards maintenance and accommodation by the learned Metropolitan Magistrate was reduced in part by the learned Sessions Judge. According to him, the learned Sessions Judge has appreciated all the facets of the matter, including the source of income of the applicant-husband

and awarded reasonable amount. As such prayed for dismissal of the application.

4. Considered rival submissions. It is brought on record that the marital relations between the applicant and respondent is not in dispute.

5. It is brought on record that the applicant is in the business of textile / merchant dealing in clothes. However, the Appellate Court has proceeded to evaluate the income based on the evidence that was brought before him and has arrived at a conclusion of granting maintenance of Rs.10,000/- with an alternate additional charge of Rs.10,000/- for alternate accommodation.

6. Though the learned counsel for the applicant has tried to impress upon the Court that the amount ordered is unreasonable and will be beyond the financial capacity of the applicant to pay the same, however, I hardly notice any adverse material so as to cause interference in the order impugned.

7. The responsibility and liability under the D.V.Act cannot be ignored by this Court just because the applicant is the custodian of a minor daughter.

8. In the aforesaid backdrop, no case for interference is made out. The revision application is dismissed.

(NITIN W.SAMBRE, J.)