

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL REVISION APPLICATION NO. 170 OF 2020

Pradeep Narhari Pisat	...Applicant
Versus	
Nayana Pradeep Pisat and Ors.	...Respondents

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Mr. Prospeer D'souza, Advocate for the Applicant.

Mr. Mohd. Zain Khan, for Respondent No.1.

Mr. Arfan Sait, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 12th AUGUST 2022

PC :

1. The applicant is aggrieved by order dated 28th November 2013 passed by learned Additional Sessions Judge, Raigad-Alibaug in Criminal Appeal No.133 of 2012 arising from Criminal Miscellaneous Application No. 514 of 2011 filed under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (for short "D.V. Act") before the learned Judicial Magistrate, First Class, Panvel, Navi Mumbai wherein impugned order dated 18th May 2012 was passed.

2. The applicant is husband of Respondent No.1 and father of Respondent Nos. 2 and 3. The Respondent Nos.1 to 3 had filed application before the Court of learned J.M.F.C., Panvel under

Section 12 of the D.V. Act. It was contended that the marriage between applicant and Respondent No.1 was solemnized on 14th July 1985. The respondents were ill-treated by applicant. They have no source of income. The applicant had earned money by selling ancestral property. He has accounts in several banks.

3. Learned J.M.F.C. vide order dated 18th May 2012 partly allowed the application preferred by Respondents and directed the applicant to pay maintenance of Rs.2,500/- per months from the date of application. He was prevented from causing domestic violence.

4. The applicant challenged order dated 18th May 2012 before the Sessions Court at Raigad-Alibaug by preferring Criminal Appeal No. 133 of 2012. The said appeal was dismissed vide order dated 28th November 2013.

5. Learned Advocate for the Applicant submitted that, both the orders are erroneous. There was no material to come to the conclusion that there is domestic violence. The applicant has been suffering from various health issues, which is evident from the medical case papers. The allegations of ill-treatment are false. The applicant had also filed application under section 125 of Cr.P.C.

6. Learned Advocate for Respondent Nos.1 to 3 submitted that, grounds urged by applicant are devoid of merits. Both the Courts had

assigned detailed reason while granting relief to the respondents. The revision application has been preferred belatedly.

7. Learned J.M.F.C., Panvel vide order dated 18th May 2012 partly allowed the application of Respondent Nos. 1 to 3. Thereafter, the Appeal preferred by applicant was dismissed vide order dated 28th November 2013. The learned J.M.F.C., has appreciated the facts and by assigning reasons directed the applicant to pay maintenance and restricted him for creating domestic violence. Learned Sessions Judge while deciding appeal has observed that, the respondent No.1 and 2 had examined themselves on oath. Respondent No.1 deposed that, she was serving in company. She has purchased house in 2002 out of her own earnings. Her husband was ill-treating her. He was also ill-treating children. He was suspecting her character and never took responsibility of maintenance. I have perused the orders passed by Court below, I do not find any reason to interfere in the impugned orders. Hence, I pass the following order:-

ORDER

Criminal Revision Application is rejected and disposed off.

(PRAKASH D. NAIK, J.)