



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

CRIMINAL REVISION APPLICATION NO.266 OF 2022

Nitin Dadahari Pol	...Applicant
Versus	
Varsha Nitin Pol & Ors.	...Respondents

Mr. Yash Fadtare i/b. Mr. Vaibhav Kadam, for the Applicant.

**CORAM : MADHAV J. JAMDAR, J.
DATED : 15th SEPTEMBER 2023**

P.C. :

1. Heard Mr. Yash Fadtare, learned counsel appearing for the Applicant.
2. The Applicant by way of the present Criminal Revision Application is challenging the legality and validity of order dated 4th October 2021 passed by the learned Additional Sessions Judge, Court No.5, Nashik in Criminal Revision Application No.181 of 2018. By the said order dated 4th October 2021, the said Criminal Revision Application was dismissed. Thus, as a result of said dismissal, order dated 6th June 2018 passed by the learned J.M.F.C., Nashik Road in Criminal Miscellaneous Application No.59 of 2017 is confirmed.
3. It is undisputed position that by order dated 13th December 2011 passed in Criminal Miscellaneous Application No.227 of 2009,

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an amount of Rs.1,500/- was directed to be paid per month each to the present Respondent Nos.1 to 3. The Respondent No.1 is wife of the Applicant and Respondent Nos.2 and 3 are the children of Applicant-husband and Respondent No.1-wife. As far as the said order is concerned, the same has attained finality. Thereafter, on 6th February 2017, the present Respondents filed application bearing Miscellaneous Application No.59 of 2017 inter alia seeking enhancement of maintenance from Rs.1,500/- to Rs.10,000/- to each of the present Respondents. In the said application, it is the contention of Respondents that the present Applicant is an Advocate and apart from that, he has got agricultural land. It is contended that he owns cars, a large office and that his income is more than Rs.10,00,000/- to Rs.11,00,000/- per annum. It has been contended that, as the Respondent Nos.2 and 3 require expenses for their education and tuitions and due to increasing costs, higher maintenance is required.

4. The learned J.M.F.C. by order dated 6th June 2018 granted maintenance of Rs.5,000/- to each of the Respondents instead of Rs.10,000/- claimed by them. The said order is confirmed by the learned Additional Sessions Judge, Court No.5, Nashik.

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5. It is the contention of the learned counsel appearing for the Applicant that he has ceased to practice as an Advocate. However, both the Courts have concurrently held that although it is the contention of the Applicant that the Applicant has stopped his professional work as an Advocate, there is nothing on record to indicate that he has surrendered his Sanad or that he is not practicing. In fact, in the title of the present Criminal Revision Application also the Applicant has described his profession as Advocate. Thus, it is clear that the Applicant is practicing Advocate. Apart from that, Applicant is having agricultural lands. Both the Courts have observed that order granting maintenance of Rs.1,500/- to each of the Respondents dated 13th December 2011 has attained finality and due to increase in the costs and educational expenses, Rs.5,000/-as maintenance is granted to each of the Respondents. There is no illegality or perversity in the impugned order.

6. Accordingly, the Criminal Revision Application is dismissed however, with no order as to costs.

[MADHAV J. JAMDAR, J.]