

*Arjun*

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

**CRIMINAL REVISION APPLICATION NO.136 OF 2023**

Shahaji Bira Shendge

...Applicant

V/s.

Sau. Avita Shahaji Shendge & Ors.

...Respondents

Mr. Sujeet Bugade, for the Applicant.

**CORAM : MADHAV J. JAMDAR, J.**

**DATED : AUGUST 25, 2023**

**P.C.:**

**1.** Heard Mr. Bugade, learned counsel appearing for the Applicant.

**2.** By the present Criminal Revision Application filed under Section 397 of the Code of Criminal Procedure, 1973 (“CrPC”) the challenge is to the legality and validity of the order dated 14th September 2017 passed by the learned J.M.F.C., Ghodnadi (Shirur) in Criminal Miscellaneous Application No.348 of 2015 as well as to the legality and validity of the order dated 4th March 2023 passed by the learned Additional Sessions Judge, Pune in Criminal Appeal No.464 of 2017.

**3.** The Respondent No.1-wife filed an Application under Sections 12, 17, 18, 19, 20, 22 and 23 of the Protection of Woman from Domestic Violence Act, 2005 for herself and on behalf of her minor children for the various reliefs including the maintenance.

**4.** By the impugned order dated 14th September 2017 passed by the learned J.M.F.C., Ghodnadi (Shirur), maintenance of Rs.10,000/- was directed to be paid to the Respondent No.1 and to the Respondent Nos.2 and 3 an amount of Rs.5,000/- each, was directed to be paid along with Rs.5,000/- per month towards house rent. The said order has been confirmed by the learned Appellate Court by the impugned order dated 4th March 2023.

**5.** The factual position on record shows that the Applicant was in service as police in Central Reserve Police Force Department and his gross salary was around Rs.46,735/-. The maintenance has been granted by the Court to the wife and two children.

**6.** It is the contention of Mr. Bugade, learned counsel appearing for the Applicant that the Applicant has recently retired from the service of CRPF.

**7.** However, the factual position on record clearly shows that age of the Applicant is only 43 years and that the Applicant has taken voluntary retirement from his service on 30th November 2021. As the Applicant has taken voluntary retirement, the said aspect that the Applicant has retired from service is not material.

**8.** It is the contention of Mr. Bugade, learned counsel appearing for the Applicant that the Respondent No.2-son has attained adulthood. The Applicant can approach the learned J.M.F.C., for modification of the order pointing out that aspect.

**9.** Accordingly, there is no merit in the the Criminal Revision Application and the same is dismissed, however, with no order as to costs.

**[MADHAV J. JAMDAR, J.]**