

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CRIMINAL APPELLATE JURISDICTION*****CRIMINAL REVISION APPLICATION NO. 312 OF 2023****Prashant Deepak Malandkar****..... Applicant****VERSUS****Disha Prashant Malandkar & Anr.****..... Respondents**

Mr.Arsh Misra, i/b. Ms.Khushboo Agarwal for the Applicant.

Ms.M.R.Tidke, APP for the State.

Mr.Vaibhav Parab a/w. Mr.Saurabh S.More for the Respondent No.1.

CORAM: RAJESH S. PATIL, J.**DATE : 5th DECEMBER, 2023****P.C. :-**

This criminal revision application, challenges the interim maintenance order passed by the 18th Metropolitan Magistrate Court, Girgaon, Mumbai in C.C. No. 31/DV/2019 and the order as confirmed by the Sessions Court dated 6 March, 2023 passed in Appeal No. 273 of 2022.

2. The Metropolitan Magistrate Court by its order dated 21 April, 2022 restrained the applicant from committing any kind of domestic violence to the original complainant (respondent no.1 in the present proceedings) and also directed the applicant to pay Rs.20,000/- per

month to the complainant towards alternate accommodation.

3. It is the case of the respondent no.1 (wife) that she is residing at the backside of the shop premises where she is running her business of parlour.

4. Admittedly, as of now, not even a single rupee has been paid by the applicant to the respondent no.1. The outstanding amount towards the maintenance as of today is Rs.10,20,000/-. This matter was heard yesterday and time was granted to the applicant. Even today, the applicant is not ready to pay any amount towards the outstanding amount of maintenance.

5. I have gone through the impugned order. The Metropolitan Magistrate Court has recorded a finding that the complainant (wife) is residing in the salon. It is further recorded that in July 2018, the complainant (wife) was admitted in Bombay Hospital and she was suffering from hyper tension. It has also been recorded by the Metropolitan Magistrate Court that the mother of the applicant is receiving a sum of Rs.9,000/- per month as pension as the father of the

present applicant was working in the Government Press at Charni Road.

6. The sister of the applicant who according to him is residing with him, is also facing matrimonial proceedings.

7. Learned advocate for the respondent no.1 (wife) submitted to this Court that the sister of the applicant is receiving a sum of Rs.25,000/- as monthly maintenance from her husband. He further submitted that the sister of the applicant is also earning a sum of Rs.70,000/- approximately per month as stated by her in the form submitted in the Family Court, Mumbai.

8. Learned advocate for the applicant (husband) submits that even though an order of maintenance was passed in the domestic violence proceedings of the sister of the applicant, the husband of the sister is not complying with the order and there are arrears to the tune of Rs.7,50,000/-.

9. Learned advocate for the respondent no.1 (wife) submits to this

Court that as far as the proceedings of the sister of the applicant is concerned, the arrears in the maintenance proceedings was Rs.20,00,000/-, out of which a sum of Rs.17,00,000/- has already been paid to the sister of the applicant and only an outstanding amount of around Rs. 2 lacs to Rs.3 lacs is still pending.

10. Taking into consideration the facts as narrated above, the applicant in the present proceedings (husband) does not have a liability of his mother as the mother is receiving pension from the Government Press office of Rs.9,000/- per month.

11. As far as sister of the applicant is concerned, she is already receiving monthly maintenance of Rs.15,000/- for herself and Rs.10,000/- towards her child. Over and above, she is a working lady and according to her own submission, she receives a monthly income of around Rs.70,000/- per month.

12. In such a situation, there was no valid reason to the applicant for not paying the maintenance amount.

13. For the reasons recorded above, there is no reason for me to interfere with the findings recorded by the 18th Metropolitan Magistrate Court, Girgaon and as confirmed by the Sessions Court.

14. Criminal Revision application is accordingly dismissed. No cost.

15. The applicant is present in Court and is hereby directed to furnish his residential and office address to the respondent no.1 or to her advocate within 24 hours.

[RAJESH S. PATIL, J.]