



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT NAGPUR, NAGPUR.

...

CRIMINAL REVISION APPLICATION NO.171/2023

Arun s/o Bhimrao Khedkar

..Applicant

versus

Lala w/o Arun Khedkar

..Respondent

.....
Mr. D.S. Khushalani, Advocate for the applicant

Mr. N.A.Gawande, Advocate for respondent
.....

CORAM: ANIL L. PANSARE, J.

DATED : 5th September, 2023.

PC:

Heard the learned Advocates for the respective parties.

2. By the present Revision Application, the applicant/husband has taken an exception to the order dated 10th July, 2023 passed by the learned Sessions Judge-1, Achalpur in Criminal Appeal No.78/2019. The applicant had challenged before the first appellate Court an order dated 7th November 2019 passed by the learned Judicial Magistrate, First Class, in D.V. Case No.116/2013. The learned Magistrate has directed the applicant-husband to pay Rs. 6,500/- per month to the respondent no.1-wife. The appeal preferred by the applicant has been dismissed.

3. The order impugned has been challenged on the count that both the Courts below have not considered the order passed in another proceeding filed by the wife against the applicant-husband seeking maintenance. It appears that in the year 2005, the wife had filed an application under section 125 of the Cr.PC. for maintenance. The learned Magistrate has directed to pay Rs.900/- per month to the wife and Rs.

500/- to the daughter. The said order has been factored in by the trial Court, as could be seen from paragraph 34 of the order. The trial Court has taken a view that the amount of maintenance granted in the year 2005 is not sufficient, considering the efflux of time between the two proceedings. The trial Court has also factored in fact that the daughter passed her X examination with flying colours and has a potential to take education in a good course. The trial Court has also taken into account the change in circumstances and accordingly directed the applicant-husband to pay Rs. 6,500/-. The learned Sessions Judge has found no substance in the challenge.

4. This concurrent finding has been challenged only on the count that the maintenance granted in another proceeding has not been considered. There appears no substance in the said submission for the simple reason that in paragraph 34 of the order passed by the learned Magistrate, there is a clear mention of the order of maintenance passed in another proceeding, which the Court found to be inadequate. That being so, there is no substance in the challenge raised. The concurrent finding rendered by both the Courts below is consistent with the material placed before it. As such, I am not inclined to grant any relief under the limited jurisdiction under section 397 of the Code. The Revision Application is rejected.

[ANIL L. PANSARE, J.]