IN THE HIGH COURT OF MADHYA PRADESH AT INDORE

BEFORE

HON'BLE SHRI JUSTICE VIJAY KUMAR SHUKLA

ON THE 5th OF FEBRUARY, 2024

CRIMINAL REVISION No. 481 of 2019

BETWEEN:-

1. **SANJAY S/O BHAGWANSINGH SOLANKI GRAM NAI BIJJUKHEDI, POST MANGLIYA, TEH. SANWER, DISTT. INDORE (MADHYA PRADESH)**

2. **BHAGWAN SING H S/O DEVI SINGH SOLANKI VILLAGE NAI BIJJUKHEDI, POST MANGLIYA, TEHSIL SANWER, (MADHYA PRADESH)**

3. **RAJU BAI W/O BHAGWANSINGH SOLANKI VILLAGE NAI BIJJUKHEDI, POST MANGLIYA, TEHSIL SANWER, (MADHYA PRADESH)**

4. **VINOD S/O BHAGWANSINGH SOLANKI VILLAGE NAI BIJJUKHEDI, POST MANGLIYA, TEHSIL SANWER, (MADHYA PRADESH)**

.....PETITIONERS

(NONE FOR THE PETITIONERS)

AND

SMT. RITU W/O SANJAY SOLANKI GRAM NAI BIJJUKHEDI, TEH. SANWER, DISTT. INDORE (MADHYA PRADESH)

.....RESPONDENT

(BY SHRI ASHUTOSH SURANA - ADVOCATE)

This revision coming on for orders this day, the court passed the following:

ORDER

Upon perusal of the order-sheet dated 22.01.2024, it is noted that no one appeared on behalf of the applicant and the case was adjourned for four weeks.

Signature Not Verified
Signed by: SOUMYA RANJAN DALAI
Signing time: 05-02-2024 18:10:35

Today also there is no representation of the applicant. Considering the same, matter is heard on merit.

2. The present revision is filed under Section 397 & 401 of Cr.P.C. challenging the order dated 21.12.2018 passed by Additional Sessions Judge, Nagda, Dist. Ujjain in Criminal Appeal No.40/2017 whereby the Court has awarded Rs.1000/- and Rs.3000/- for maintenance.

3. Upon perusal of the pleadings and the evidence, it is evident that the respondent stated that she was married with the present applicant in the year 2012. After sometime, the applicant started demanding dowry and subjecting her to domestic violence. She started living with her father. The trial Court recorded a finding that because of domestic violence, the applicant started living separately and awarded the maintenance as mentioned herein-above. Regarding income, the respondent stated that the applicant is having his own agricultural land and is earning Rs.30,000/- per month, however, the aforesaid fact could not be established.

4. After considering the evidence, the Court has taken notional income of the applicant and awarded Rs.3000/- per month maintenance. I do not find any illegality or perversity in the order and impugned award by the trial Court is just and proper. The revision is **dismissed**.

(VIJAY KUMAR SHUKLA)
JUDGE

soumya

Signature Not Verified
Signed by: SOUMYA RANJAN DALAI
Signing time: 05-02-2024 18:10:35