



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

123 CRIMINAL WRIT PETITION NO. 86 OF 2017

Sanjaykumar S/o Sadashiv Gharat
VERSUS
Sulekha @ Shahabai W/o Sanjay Gharat

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Advocate for the Petitioner : Mr. Vilas P. Savant

Advocate for Respondent : Mr. T.C. Sonawane h/f Mr. G.K. Naik
Thigle

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CORAM : SHIVKUMAR DIGE, J.
DATED : 9th SEPTEMBER, 2024.

PER COURT :-

1. By this writ petition, the petitioner is challenging the impugned judgment and order dated 7.12.2016 passed by the learned Additional Sessions Judge, Beed (for short "the revisional court") in criminal revision No. 126 of 2015 and the judgment and order dated 28.9.2015 passed by the learned Judicial Magistrate First Class, Court No.2 Beed (for short "the trial court") in Misc. Criminal application No. 938 of 2013.

2. It is the contention of learned counsel for the petitioner that the respondent is wife of the petitioner. The respondent had filed an application under Section 125 of the Code of Criminal Procedure, 1973 (for short "the Cr.P.C.") against the petitioner for getting maintenance. The said application was allowed by the learned trial

court. The said order was challenged by the petitioner before the revisional court. The said order is confirmed and the revision of the petitioner was dismissed. Against the said order, the present writ petition is filed. Learned counsel further submitted that the respondent has filed proceeding under the Domestic Violence Act, 2005 and in the said proceeding, the maintenance of Rs.5000/- is awarded to the respondent by the learned trial court. The said order is challenged by the petitioner, which is pending before the Sessions Court, Beed. Learned counsel further submitted that as per the ratio laid down by the Hon'ble Apex Court in ***Rajesh vs. Neha and another*** (2021) 2 SCC 324, the maintenance amount of Rs.2000/- be adjusted in the amount of Rs.5000/- and requested to allow the writ petition.

3. The learned counsel for the respondent submitted that appropriate order be passed.

4. I have heard both the learned counsel. Perused the impugned orders. Admittedly, two maintenance orders have been passed against the petitioner. One under Section 125 of Cr.P.C. by which Rs.2000/- maintenance amount is awarded to the respondent wife and in the proceeding under the Domestic Violence Act, the maintenance of Rs.5000/- is awarded to the respondent. The order

awarding maintenance of Rs.5000/- has been challenged by the petitioner before the learned Sessions Judge, Beed, which is pending. As per the ratio laid down by the Hon'ble Apex Court in the case of ***Rajnish vs. Neha and another*** the amount of Rs.2000/- be adjusted in the amount of Rs.5000/-.

5. In view of the above observations, the writ petition is disposed of.

(SHIVKUMAR DIGE, J.)

rlj/