



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

957 CRIMINAL WRIT PETITION NO. 329 OF 2008

KAILASH KISHANRAO KARVE
VERSUS
VINODINI KAILASH KARVE AND ANR

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Advocate for Petitioner : Mr. V. B. Deshmukh.
Advocate for Respondents : Mr. R. R. Shaikh – Absent.
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CORAM : S. G. MEHARE, J.
DATE : 12.07.2024

PER COURT :-

1. Heard the learned counsel for the petitioner. None present for the respondents.
2. The petitioner/husband has impugned the orders of the learned Judicial Magistrate First Class, Hadgaon passed on Misc. Application No.29 of 2006, dated 03.11.2007 and Criminal Revision No. 182 of 2007 decided by the learned Sessions Judge, Nanded on 10.03.2008.
3. The brief facts of the case were that the petitioner married respondent No.1 and they had a child. They were not pulling on their matrimonial life happily. Hence, respondent had filed an application under Section 125 of the Cr.P.C. which was registered as MCA.No.36 of 2004. The respondent had also

lodged the report under Section 498-A of the IPC against petitioner/husband. However, they compromised the matter and MCA.No.36 of 2004 was disposed of. Then, in the year 2006, she filed a fresh application under Section 125 of the Cr.P.C. disclosing the conduct of the petitioner after the first settlement. She alleged against him that after the compromise, he left her at Hadgaon. Appreciating the facts, learned Judicial Magistrate First Class granted maintenance of Rs.1500/- and Rs.850/- per month to her and child. The revision against that order had also been dismissed.

4. Learned counsel for the petitioner would submit that both Courts did not consider the income source. There was no evidence that he was getting the pension from military and salary from the police department. He would submit that the revisional Court in absence of any evidence exaggerated the observation that he is having 5 acres of irrigated land.

5. In a title clause, the occupation of applicant was shown as service. There was a specific pleading in the application that he was retired from the military and he was asking for Rs.50,000/- to get the job in police department. The petitioner himself has admitted that he was getting Rs.2,500/- per month as a pension and getting salary of Rs.5,000/- from the police

department. As far as the responsibility of his parents is concerned, his father was Head Master and getting pension of Rs.5,000/-. Therefore, there is no substance in the argument of the learned counsel for the petitioner that he has liability to maintain his parents. The respondent proved that she and her child was refused and neglected to maintain without any reason. Since she was not maintained, she has reason to leave separate.

6. The petitioner has no ground to interfere with the impugned orders. The writ petition is devoid of merits, hence, stands dismissed.

(S. G. MEHARE, J.)

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vmk/-