



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

951 CRIMINAL WRIT PETITION NO. 940 OF 2024

VITTHAL ADINATH CHEDE
VERSUS
INDUBAI VITTHAL CHEDE

...
Mr. Sushant B. Choudhari Advocate for Petitioner.
Mr. S.D. Ghayal, APP for Resp. No.2
...

CORAM: S.G. MEHARE, J.

DATE : 30th JULY, 2024

ORDER :

1. Heard learned counsel for the applicant. The husband impugns the order of granting maintenance to respondent-wife, passed in Criminal Misc. Application No.228 of 2014, passed by the learned Judicial Magistrate First Class, Bhoom and the order of the revisional Court dismissing the Revision.

2. Learned counsel for the petitioner submits that the respondent-wife resided with the petitioner only for nine days and then she left the company of the petitioner. Then she lodged the report against the applicant and his family. They faced the criminal trial. The trial Court convicted them. However, the appellate Court acquitted them. Since 2009 to 2014 she did not

apply for maintenance. In 2014 for the first time, after the petitioner and his family were acquitted, she filed an application under Section 125 of the Code of Criminal Procedure. The applicant never refused and neglected to maintain her. She left his company on her own and never returned back. He submits that these circumstances have not been properly considered by both Courts.

3. Perused the impugned orders. There is specific finding of the revisional Court that during pendency of the criminal case against the petitioner, there was a settlement. However, she was again driven out of the house when she went to reside with husband. Specific observations are also there that the petitioner performed the second marriage. These two circumstances are self speaking for respondent reside separately.

4. No substantial question of law has been involved in this petition and the findings are correct. The evidence has also been correctly appreciated. There are no perversities in the impugned orders. Hence the Writ Petition stands dismissed at the admission stage.

[S.G. MEHARE, J.]