



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**9 CRIMINAL APPLICATION NO. 4097 OF 2024
IN WP/1231/2024
WITH
WRIT PETITION NO. 1231 OF 2024**

**MANISHKUMAR NILKHANTH INGALE
VERSUS
PRIYANKA MANISHKUMAR INGLE**

...
Mr. Syed Azizoddin R, Advocate for Applicant
Mr. Ashok A. Munde, Advocate for Respondent

**CORAM : Y. G. KHOBRAGADE, J.
Dated : 7th October, 2024**

PER COURT :-

1. Heard Mr. Syed, the learned counsel appearing for the applicant and Mr. Ashok Munde, the learned counsel for the respondent.

2. Having regard to rival submissions canvassed on behalf of both the side I have gone through the record. The applicant and the Non-applicant are husband and wife. The applicant/Petitioner has filed the present application and prayed for issuance of directions to the learned Trial Court to issue witness summons to the Respondent's (wife's) employer i.e. Armeka Financial Consultants Pvt. Ltd., Pune, to prove that his wife Respondent is in

employment and drawing handsome monthly salary, therefore, she is not entitled to for the maintenance, hence, he wanted to examine the authorised person of the employer.

3. Mr. Munde, the learned counsel for the Respondent canvass that, the petitioner has filed Exh. 80 an application seeking permission to examine 30 witnesses without providing detail in respect of the Respondent's employment, therefore, the learned trial court rightly rejected said application with findings that, the petitioner wanted to prolong the matter. So also, the petitioner never claimed that his wife respondent is working with the employer Armeka Financial Consultants Pvt. Ltd., Pune. Therefore, prayed for dismissal of the application as well as main petition.

4. Needless to that, the applicant/petitioner has filed present petition under Article 226 of the Constitution of India read with Sec. 482 of Criminal Procedure and impugned the order dated 06.05.2023 passed below Exh. 80 by the learned Judicial Magistrate First Class, Bodwad, Distt. Jalgaon, in Misc. Cri. Application No. 13 of 2021, whereby, the application for issuance of summons to the 30 witnesses has been declined.

5. Needless to say that the Respondent/ wife filed application under Section 125 of the Cr.PC., and prayed for monthly maintenance. After service of summons, the petitioner failed to file reply. Ultimately, on 07.01.2022, the learned JMFC, Bodwad passed the exparte Judgment against the present applicant/ petitioner-husband and directed to pay monthly maintenance of Rs.15,000/- to the Non-applicant/ Respondent-wife. The Petitioner challenged said Judgment & order in Cri. Rev. Appln. No. 31 of 2023 before the Revisional Court at Bhusawal. On 25th October, 2023, the learned Revisional Court passed the judgment and order and allowed the revision and set aside the judgment and order dated 07.01.2022 passed in Criminal Misc. Application No.13 of 2021 and remanded the matter for fresh decision on merit with directions to give liberty to the petitioner for filing written statement and to decide the proceeding on or before 21st January, 2024. However, as on today said proceeding not been decided.

6. No doubt, the parties to the maintenance proceedings require to prove the source of monthly income of vise versa party. The present petitioner/husband contended that his wife Respondent was in employment of 30 establishments as per list given in the application and drawing handsome salary, therefore,

prayed for issuance of witness summons to those all 30 employers, however, the learned trial turned down prayer of issuance of witness summons to 30 employers on ground that, the petitioner filed such application for killing the time, which is subject of the petition.

7. Now the petitioner/husband wanted to examine only the authorized person of Armeka Financial Consultants Pvt. Ltd., Near PMC Water Tank, 6th Floor, S. No. 48/1A/1/9 & 10 to 18, Vedriti, Opp. TATA Guardroom, Kharadi-C, Pune, Maharashtra, 411014 to prove that his wife Respondent working and drawing monthly salary. Therefore, it would be just and proper to direct the learned trial Court to issue summons to Armeka Financial Consultants Pvt. Ltd., on or before 14th October, 2024 and to examine the authorized person of Armeka Financial Consultants Pvt. Ltd., witness on 14th November, 2024. It is made clear that, if any further request is made by the Petitioner for examination of more witnesses in that event said prayer may be rejected. Further, adjournments on trival grounds would not be considered and shall finally adjudicate the matter on or before 20th December, 2024.

8. In view of above, the impugned order dated 06-05-2023

passed by the learned Judicial Magistrate First Class, Bodwad is hereby partly quashed and set aside. Accordingly, Cri. Writ Petition No. 1231 of 2024 as well as Criminal Application No. 4097 of 2024 is hereby disposed off. No order as to cost.

(Y. G. KHOBRADE, J.)

Chavan