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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL REVISION APPLICATION NO.503 OF 2017

SATISH MOHANRAO PATIL

..APPLICANT

VS.

RUPALI SATISH PATIL AND ORS.

..RESPONDENTS

Adv. D. D. Rananaware for the applicant.

Ms. S. D. Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 15, 2024

P.C. :

1. Heard learned counsel for the applicant.
2. This is an application challenging an order passed by the Additional Sessions Judge, Satara dated 12.04.2017. Learned Magistrate in the course of proceedings under the Domestic Violence Act has awarded monthly maintenance of Rs.1,000/- p.m. to the children and has awarded Rs.1,500/- p.m. as a house rent. The trial Court has passed protection order and cost of Rs.5,000/-. Assailing the order passed by the Appellate Court, learned counsel for the applicant submitted that the trial Court has lost sight of the fact that

in view of the relationship which the respondent-wife was having outside the marriage, she on her own accord left the matrimonial home. It is further submitted that the applicant is looking after the children and therefore the award of monthly maintenance of Rs.1,000/- for children is not justified.

3. I have carefully perused the findings of the Appellate Court confirming the order passed by the learned Magistrate.

4. It is the contention of learned counsel for the applicant that the wife is missing since last five years and that she is not even contesting the proceedings. However, these are the circumstances which may be brought to the notice of the trial Court in appropriate proceedings. So far as the present Criminal Revision Application is concerned, I find that the order granting monthly maintenance of Rs.1,000/- p.m. to the children and the house rent of Rs.1,500/- p.m. cannot be said to be without any basis. I see no reason to interfere with the concurrent findings recorded by the Courts below.

5. The Criminal Revision Application is rejected.

(M. S. KARNIK, J.)