IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.26 OF 2019

Pallavi Rupesh Jagtap ....Applicant
Versus
The State of Maharashtra ....Respondent

WITH
CRIMINAL REVISION APPLICATION NO.687 OF 2018

Rupesh Chandrakant Jagtap and Ors. ....Applicants
Versus
Pallavi Rupesh Jagtap and Anr. ....Respondents

Mahesh Chandanshive for the Applicant in Revn. No.26/2019 and for Respondent in Revn. No.687/2018.
Mr. Ajinkya Dhende for the Applicant in Revn. 687/2018 and for Respondent Nos.2 to 4 in Revn. No.26/2019.

CORAM : SHARMILA U. DESHMUKH, J.
DATED : 9th FEBRUARY, 2024.

P. C. :

1. Both the Revision Applications arise out of the judgment dated 2/11/2018 passed by the Sessions Court allowing the Appeal partly and modifying the order of the Trial Court by reducing the amount of maintenance from Rs.10,000/- to Rs.5,000 p.m. and the amount of compensation from Rs.1,72,000/- to Rs.50,000/-.

2. Criminal Revision No.26/2019 has been filed by the wife

and Criminal Revision No.687/2018 has been filed by the husband.

3. As both the Revision Applications assail the same judgment of the Sessions Court, Appeals were taken up for hearing together and disposed of by this common order.

4. Heard Mahesh Chandanshive for the applicant wife and Mr. Ajinkya Dhende for the respondent husband.

5. Mr. Chandanshive, learned counsel appearing for the applicant wife submits that the Trial Court had rightly granted the sum of Rs.10,000/- p.m. as respondent husband is a Doctor and has admitted to have been earning a sum of Rs.3 Lakhs. He would further submit that before the Trial Court no document was produced by the husband and it is only at the appellate stage income tax return was submitted based on which the Sessions Court has reduced the amount of maintenance from Rs.10,000/- to Rs.5,000/-.

6. Per contra, Mr. Dhende, learned counsel appearing for the respondent husband would submit that the applicant wife is working and she has admitted in her cross examination that she is working in a Multinational Company and drawing a salary of Rs.25,000/- p.m. He submits that there are no details given in the Application as regards her monthly expenses. He would further submit that there is no prayer for residence order.

7. Perused the record and considered the submissions.

8. Admittedly, neither of the parties had produced any document before the Trial Court as regards their respective incomes. The applicant wife has admitted to be working and drawing a salary of Rs.25,000/- p.m. The order of Trial Court is of the year 2016 and the order of the Sessions Court is of the year 2017 and as such there must be an increment in the income of the applicant wife and similar is the case with the respondent-husband. As regards the respondent before the Trial Court he has not produced any document in support of income and before the Appellate Court income tax return has been produced.

9. In this proceeding only challenge is to the quantum of maintenance which has been granted. Considering that both the parties have suppressed their income during the proceedings in Revision Applications this Court is not inclined to go into the issue as regards the quantum of maintenance. The Trial Court as well as the Appellate Court on the basis of material which has come on record has decided the quantum of maintenance and there is no perversity which is demonstrated from the record. Considering the conduct of both the parties in suppressing their income, I am not inclined to interfere in the impugned order. Revision Applications stand dismissed.

(SHARMILA U. DESHMUKH, J.)