



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Writ Petition No.218 of 2024

Devraj s/o Uttamrao Pachurkar

vs.

Bharti w/o Devraj Pachurkar

*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

Court's or Judge's Orders

Mr. R.A. Gupte, Advocate for the Applicant.

CORAM : M.W. CHANDWANI, J.

DATE : 7th MARCH, 2024.

The petition challenges the order dated 01/07/2022, passed by the learned Judicial Magistrate First Class, Amravati, whereby the petitioner-husband was directed to pay Rs.4,000/- per month towards maintenance and Rs.3,000/- per month towards rent to the respondent-wife.

02] An unsuccessful attempt was made before the learned Additional Sessions Judge, Amravati by filing revision, which came to be dismissed vide order dated 06/04/2023. Feeling aggrieved with the orders impugned, the present petition came to be filed mainly on the ground of quantum of maintenance amount as well as the rent. It is contended that there was no domestic violence.

03] Perused the orders and judgments impugned in the petition. There are concurrent findings of both the Courts below regarding domestic violence at the hands of the petitioner against the respondent. Both the Courts discussed the specific evidence of the respondent, where she deposed that the petitioner was insisting her to

have unnatural sex (sodomy). The petitioner used to suspect her character and also used to compel her consume liquor and to smoke, and on refusal, he used to beat her.

04] In view of the said evidence and in absence of other material in the form of cross examination, both the Courts have rightly recorded the findings about domestic violence at the hands of the petitioner.

05] Turning to the quantum of the maintenance amount, it appears that the respondent claims that the petitioner is earning Rs.75,000/- per month from his business apart from the agricultural income. On the other hand, the petitioner did not clarify as to what he is doing and how much he earns. Rather, it was the duty of the petitioner to come up with true facts about his earnings.

06] Be that as it may, the learned Additional Sessions Judge relying on the judgment of the Delhi High Court in the case of **Bharat Hegade vs. Saroj Hegade – 2007 BLT 16**, rightly took the exercise of assessing the income and after considering the educational qualification, both the Courts have assessed the income of the petitioner between Rs.20,000/- and Rs.25,000/- per month, which does not appear to be unreasonable. Considering the prevailing cost of essential commodities as well as prevailing rent, the learned trial Court has rightly granted amount of Rs.4,000/- per month towards maintenance and Rs.3,000/- per month towards rent. Therefore, no case is made out even for issuance of notice and the writ petition deserves to be dismissed at this stage. Hence, the following order:

ORDER

- The criminal writ petition is dismissed.

JUDGE

**sandesh*