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10-WP-5-2020

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

10 CRIMINAL WRIT PETITION NO. 5 OF 2020

Vishnu Maroti Rathod

VERSUS

Vimal Vishnu Rathod

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None for the Petitioner.

CORAM : KISHORE C. SANT, J.

DATE : 10th JULY 2025.

PC :-

1. This petition is filed in 2020. It appeared on the board for the first time on 8th May 2025, and none was present. Thereafter, it was on board on 9th June 2025. The learned Advocate for the petitioner informed that the petitioner has taken back the papers from him, alongwith no objection, long back, and thereafter, there is no contact with his client. This Court, therefore, adjourned the matter to today.

2. A challenge in this petition is to a judgment and order dated 18th April 2019, passed by the learned Additional Sessions Judge,

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Aurangabad, in Criminal (PWDVA) Appeal No.82 of 2018. This appeal was filed challenging the judgment and order dated 13th June 2017, passed by the learned Chief Judicial Magistrate, Aurangabad in PWDVA No.180 of 2016.

3. The learned Chief Judicial Magistrate had allowed the domestic violence petition filed by the respondent-wife. The petitioner was directed not to commit any act of domestic violence and not to prevent the wife from staying in the house. Under Section 19, he was directed to pay Rs.1,500/- towards house rent. Rs.3000/- per months was awarded under Section 20 towards maintenance, and under Section 22, he was directed to pay Rs. 1 lakhs towards compensation. In the appeal, the said order came to be confirmed, and the appeal came to be dismissed with costs.

4. By looking to the judgment of the Appellate Court, it is seen that the learned Additional Sessions Judge considered the evidence of the complainant at Exhibit-7. In the trial Court, the income of the husband

was considered. The husband did not appear in the trial Court, and the judgment was delivered in his absence. From the evidence produced by the wife, the Court arrived at conclusion that the husband, who happens to be a teacher, must be earning Rs.25,000/- to Rs.30,000/- towards salary. There are also documents showing that the husband is having agricultural land. The crop like, cotton, soybean etc. are taken from the said agricultural land. Considering that, the amount of maintenance was determined.

5. This Court does not find any illegality or perversity in the judgment and order passed by the learned trial Judge and the learned Sessions Judge. There is no merit in the writ petition, and therefore, the Writ petition stands dismissed and disposed off.

[KISHORE C. SANT, J.]