



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

CRIMINAL APPLICATION NO.1318 OF 2025

Ranganath Devrao Sonwane

Age: 67 years,

Occ: Nil,

R/o. Kandari, Tq. Paranda,

Dist. Osmanabad

.. Applicant

VERSUS

1] Santosh Ranganth Sonwane

Age: 37 years, Occ: Agri & Service,

R/o. Kandari, Tq. Paranda,

Dist. Osmanabad

At Present R/o. Balasaheb Bhaguji

Jadhav Building, Sawarkar Nagar,

Near Nilkantheshwar Temple, Satepur,

Nashik, Tq. & Dist. Nashik-7

2] Ishwar Ranganth Sonwane

Age: 34 years, Occ: Agri & Service,

R/o. Sonari, Tq. Paranda,

Dist. Osmanabad

.. Respondents

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Mr. H. D. Deshmukh, Advocate for the petitioner.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 22ND APRIL, 2025

P.C.:

1. Applicant is assailing judgment and order dated 25.11.2024 passed by the learned Additional Sessions Judge, Paranda, District Osmanabad in Criminal Revision Application No.15/2023 confirming order of rejection of application under Section 125 of Code of Criminal

Procedure passed on 20.01.2020 by the learned Judicial Magistrate First Class, Paranda, District Osmanabad.

2. Applicant has claimed maintenance under Section 125 of Code of Criminal Procedure from the respondents who are his sons on the ground of age, he is unable to maintain himself. The respondents are under obligation to look after him. They are in possession of land which is at Kandari but not providing any maintenance to the applicant. It is further contended that both the respondents are in service also.

3. Respondent no.2 has contested the claim by filing say and denied all the contentions and the Matter is proceeded ex-parte against respondent no.1.

4. After considering oral and documentary evidence on record, Trial Magistrate rejected Miscellaneous Criminal Application No.134 of 2013 by order dated 20.01.2020. It is confirmed by Revisional Court on 25.11.2024.

5. Learned counsel for the applicant submits that both the Courts below have committed grave error of jurisdiction in failing to appreciate that applicant is of 67 years old and suffering from various ailments. It is submitted that the land allotted to him in partition is in possession of the respondents and they have not providing any income

or share to the applicant. It is submitted that both the respondents are in service and earning a handsome salary and they can easily provide maintenance to their father. It is submitted that both the Courts below failed to take into account documentary and oral evidence while non-suiting the applicant in correct perspective.

6. I have gone through both the impugned orders, it reveals that respondent no.1 did not file his say and matter proceeded ex-parte against him. Respondent no.2 contested the matter disclosing the conduct and character of the applicant. It is contended that applicant was having ancestral lands and a shop at Nashik. He has sufficient source of income and his claim is unreliable.

7. It reveals from record that applicant was having share of 14 R of land from Gut No.425 and 32 R of land from Gut No. 432 situated at Kandari. The suit for partition filed by his daughter resulted into decree and allotment of share to the parties including the applicant. Besides that applicant owns a plot at Nashik as well as Kandari. The finding recorded by both the Courts below that applicant has sufficient source of income and he did not come with clean hands cannot be faulted.

8. In cross-examination applicant admitted that he was being allotted share in land from Gut No.425 and Gut No.432. Immovable properties at Nashik and Kandari would indicate the source to him. I do

not find perversity and illegality in the concurrent findings of fact recorded by both the Courts below.

9. Criminal Application lacks merit, hence it is dismissed.

[SHAILESH P. BRAHME, J.]

Narwade/