



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

CRIMINAL APPLICATION NO.1673 OF 2022

**SHIVAJI KERBA JADHAV
VERSUS
YOGESHRI W/O. SHIVAJI JADHAV AND ANOTHER**

Mr. S. B. Bhapkar, Advocate for the Applicant
Mr. U. B. Bilolikar, Advocate for Respondent Nos.1 and 2.

CORAM : MEHROZ K. PATHAN, J

DATE : 19.12.2025

P. C. :-

1. The Applicant has approached this Court thereby praying for quashing and setting aside the order dated 14.02.2022 passed by the Sessions Judge, Nanded in Criminal Revision Application No. 02/2018.

2. The Criminal Application No. 62/2014 was filed by Respondent Nos.1 and 2 thereby claiming maintenance of Rs.5000/- for Respondent No.1 and Rs.2000/- for Respondent No.2, under Section 125 of the Code of Criminal Procedure (for short 'Cr.P.C.'). The learned J.M.F.C., Nanded while its order dated 13.12.2017 has awarded maintenance Rs.1500/- per month each for Respondent Nos.1 and 2.

3. Being aggrieved by the order dated 13.12.2017 of grant of maintenance, the Applicant has filed Criminal Revision Application No. 38/2018, whereas Respondent Nos.1 and 2 have filed Criminal Revision Application No. 02/2018. Both the aforesaid revision applications were taken together for hearing. The learned Sessions Judge, Nanded vide its common order dated 14.02.2022 was pleased to dismiss the Criminal Revision Application No. 38/2018 filed by the Applicant herein and was pleased to enhance the maintenance from Rs.1500/- per month for Respondent No.1 and Rs. 1000/- for Respondent No. 2, to Rs.3000/- per month each to both the Respondents.

4. Being aggrieved only by the order dated 14.02.2022 passed in Criminal Revision Application No.02/2018, whereby the learned Sessions Judge, Nanded has enhanced the maintenance amount to Rs.3000/- per month to both the respondents, the present Applicant has preferred the Criminal Application before this Court under Section 482 of Cr.P.C.

5. The learned Counsel for the Applicant submits that the Court below has committed error by enhancing the compensation

to Rs.3000/- per month each for the Respondents, without even considering the income earned by the Applicant. It is further submitted by the learned Counsel for the Applicant that the Revisional Court has come to an imaginary figure and held that the Applicant was earning more than Rs.8000/- per month and thus, passed the order of grant of Rs.3000/- per month maintenance to each of the Respondents.

6. The learned counsel for the Applicant further submits that the said award of Rs.8000/- per month, is excessive and exorbitant. The same is passed without giving any cogent reasons and therefore, it is required to be set aside.

7. As against this, learned counsel for the Respondents submits that Revisional Court has applied its mind to the facts of the case. It is specifically discussed by the learned Revisional Court that the Respondent-Wife and son are not having any source of income. It is also considered that the Applicant-husband, has himself admitted that Rs.8000/- per month income from the agricultural land. The learned Court has considered that apart from a vague statement the Applicant-husband was only earning

Rs.8000/- per month, he has failed to show any documentary evidence to prove that he was earning only Rs.8000/- per month from the agricultural land. The learned Lower Court has thus considered that the Applicant was earning more than Rs.8000/- per month and therefore, pleased to rightly enhance the amount to Rs.3000/- per month each to the Respondents taking into consideration the present cost of living and the enhanced amount is also directed to be paid from the month of March, 2022. It is submitted that there is no error in the judgment passed by the learned Sessions Court, the application is, therefore, devoid of substance and merit and is thus liable to be dismissed.

8. I have gone through the judgment of the learned JMFC, Court No.3, Nanded dated 13.12.2017, thereby awarding a sentence of Rs.1500/- per month for Respondent Nos.1 and Rs. 1000/- for Respondent No. 2. I have also gone through the judgment of the learned Sessions Judge, Nanded in Criminal Revision Application No. 02/2018 dated 14.02.2022. A perusal of the judgment passed by the Revisional Court dated 14.02.2022 would show that there were several complaints made by Respondent No.1 to the Mahila Takrar Nivaran Kendra, Nanded and

Respondent No.1-wife was ready to cohabit with the husband, however, the Applicant-husband has refused to reside with the Respondent-wife and has also not made any provision for their maintenance. The Applicant himself has admitted earning Rs.8000/- per month from the agricultural land as well as the business. The Revisional Court has considered that apart from stating his income to be only Rs.8000/- per month from agricultural land, the Applicant-husband has failed to prove the same by producing any documentary evidence. The learned Revisional Court has rightly come to a conclusion that the Applicant-husband was having an income more than Rs.8000/- per month from his agricultural land and business. It is also considered by the learned Sessions Judge that the Applicant has refused to maintain the Respondent-wife and son and who are also entitled to the same standards of living as that of the Applicant-husband.

9. The learned Sessions Court has further considered that looking to the price escalation in the essential commodities as well as the cost of living, Rs.3000/- per month maintenance to each of the Respondents would be reasonable and that too, the same is directed to be paid from the month of March, 2022. Thus, I do not

find any error or material irregularity in the judgment passed by the learned Sessions Judge, Nanded. The order dated 14.02.2022 passed by the learned Sessions Judge, Nanded also does not suffer from any material irregularity. Thus, no ground for interference is made out by the Applicant for interference under Section 482 of Cr.P.C. The powers under Section 482 of Cr.P.C. are to be exercised sparingly and that too in cases where there is an abuse of process of law or any order has resulted in miscarriage of justice. Thus, no case is made out for interference by this Court in powers under Section 482 of Cr.P.C.. The Application is, therefore devoid of substance and merit and thus, rejected.

(MEHROZ K. PATHAN, J)

ssp