



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 646 OF 2025

Vishwanath Mahadev Mokal
Age: 49 years, Occu.: Service,
R/o Madh Bk. Tq. Kopargaon,
Dist. Ahmednagar

..PETITIONER

VERSUS

1. Bharati Vishwanath Mokal
Age: 36 years, Occu.: Nil,
2. Shraddha Vishwanath Mokal
Age: 12 years, Occu.: Nil,
3. Shreya Vishwanath Mokal
Age: 11 years, Occu.: Nil,
4. Arushi Vishwanath Mokal
Age: 7 years, Occu.: Nil,

Respondent Nos.2 to 4 are minor through their
Legal Guardian mother Respondent No.1

All R/o Shahpur, Tq. Kopargaon,
Dist. Ahmednagar

..RESPONDENTS

....
Mr. A.N. Barhate Patil, Advocate for the petitioner
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CORAM : ABHAY J. MANTRI, J.
DATE : 19th DECEMBER, 2025

ORAL JUDGMENT :

1. The petitioner, being aggrieved with the impugned judgment and order dated 18th November, 2016 passed by the learned Additional Sessions Judge, Kopargaon in Criminal Revision No. 55 of 2015, whereby confirmed the judgment and order dated 09th October, 2015 passed by the learned

Judicial Magistrate First Class, Kopargaon (for short, '*the Magistrate*') in Criminal Miscellaneous Application No. 3 of 2014, thereby granting total maintenance of Rs.1,900/- to the respondents, has preferred this petition.

2. Heard learned counsel Mr. A.N. Barhate Patil for the petitioner. Perused the impugned judgments and orders, as well as the record.

3. At the outset, it appears that the respondents have filed an application under Section 125 of the Criminal Procedure Code (for short, '*Cr.PC.*') before the learned Magistrate for grant of maintenance, who, after considering the evidence and material on record, partly allowed the application and directed the petitioner herein to pay maintenance of Rs.1,000/- to Respondent No.1, Rs.400/- to Respondent No.2, Rs.300/- to Respondent No.3 and Rs. 200/- to Respondent No.4.

4. Feeling aggrieved by the same, the petitioner has preferred revision before the learned Sessions Court. The learned Additional Sessions Court, after considering the evidence and material on record, confirmed the order of the learned Magistrate, holding that no error was committed by the learned Magistrate, and dismissed the revision. Against the said order, the petitioner has preferred this petition.

5. On perusal of the order of the learned Magistrate, it clearly appears that the petitioner does not dispute his relationship with the respondents, and they are residing separately. The petitioner failed to provide them with the maintenance. In paragraph 13, the learned Magistrate has held

that the respondents are unable to maintain themselves and, therefore, are entitled to maintenance. Similarly, in paragraph no.14, it is observed that the petitioner has admitted that he has received the salary of Rs. 5,500/- to Rs. 6,000/-, and therefore, considering the same, the learned Magistrate awarded total maintenance of Rs. 1,900/-, including three children and the wife (i.e. less than 40%). Passing of the said order is just and proper, and therefore, I do not find any illegality in the said order.

6. Similarly, the learned Sessions Court in paragraph nos. 8 to 10 has dealt with the same and held that passing of the order by the learned Magistrate is just and proper and no error has been committed by the learned Magistrate, and therefore, confirmed the said order. However, the learned counsel for the petitioner failed to demonstrate that the learned Magistrate's and the Sessions Court's orders are illegal or perverse. On the contrary, it appears that the judgments and orders passed by both the Courts below are just and proper. As such, no interference is required in them in the writ jurisdiction.

7. Thus, it appears that there is no merit in the petition. Accordingly, the petition is dismissed as devoid of merit. No order as to costs. Inform the order to the learned Courts below accordingly.

(ABHAY J. MANTRI, J.)

SSD