



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

903 CRIMINAL WRIT PETITION NO. 1139 OF 2019

**SYED AKBAR SYED ABRAR
VERSUS
SYED MADINA W/O. SYED AKBAR AND OTHERS**

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**CORAM : Y.G. KHOBRAGADE, J.
DATE : 05.12.2025**

PC. :-

1. None appeared for the Petitioner. It is pertinent to note that on 11.07.2019 the Petitioner has instituted present petition challenging the judgment and order dated 15.04.2019 passed by the learned Additional Sessions Judge, Ambejogai in Criminal Appeal No.37/2018, whereby the order dated 27.06.2018 passed by the learned JMFC, Parli in Criminal M.A. No.657/2015 about grant of monthly maintenance of Rs.1000/- for the present Respondent No.1 and Rs.500/- each to Respondent Nos.2 and 3 has been confirmed.

2. On face of record, it appears that the present Petitioner is the Ori. Non-Applicant No.1 and the present Respondent No.1 is the Ori. Applicant No.1 in DV proceeding 657/2015. It is not in dispute that the present Respondent No.1 is legally wedded wife of the present Petitioner.

The marriage between the Petitioner and the Respondent No.1 was solemnized as per the customs and rights prevailing in Muslim community on 21.05.2010. Out of wedlock the Respondent Nos.2 and 3 are born who are minors. However, the Respondent No.1 was subjected to domestic violence at the hands of the present Petitioner and the Respondents were not maintained and neglected by the Petitioner. Therefore, the Respondents had filed DV proceeding 657/2015 under the Protection of Women from Domestic Violence Act, 2005. After conducting the trial the learned JMFC passed the judgment and order dated 27.06.2018 and directed the present Petitioner/Respondent Non-Applicant No.1 to pay maintenance of Rs.1,000/- to the present Respondent No.1 and Rs.500/- each to the present Respondent Nos.2 and 3.

3. Being aggrieved by the said order the present Petitioner had filed Criminal Appeal No.37/2018 before the Appellate Court. On 15.04.2019, the learned Sessions Court passed the impugned order and dismissed the appeal on the ground that the present Petitioner/Husband has to provide the maintenance amount and maintain the wife and minor children. Both the Courts below concurrently held that the Respondent No.1/Wife and the minor children are having no source of income and they

are unable to maintain themselves. So also, the present Petitioner is under obligation to maintain his wife and children.

4. Therefore, the findings recorded by the Courts below does not appear to be perverse, illegal, bad in law and no grounds are set out to interfere with the said findings. Hence the petition dismissed.

[Y.G. KHOBRADE, J.]