



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

912 CRIMINAL WRIT PETITION NO. 1616 OF 2020

**RAGHUNATH PATILBUVA RAKH
VERSUS
KANTABAI W/O. RANGNATH RAKH**

....
Mr. D. B. Pokale, Advocate for the Petitioner

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CORAM : Y. G. KHOBRAGADE, J.

DATE : 13.06.2025

PER COURT :-

1. Heard the learned counsel appearing for the petitioner at length.

2. The petitioner invoked the jurisdiction of this Court under Article 226 and 227 of the Constitution of India and challenged the legality and validity of the judgment and order dated 22.09.2020, passed by the learned Sessions Judge, Beed in Criminal Appeal No.122 of 2019, whereby the order of enhancement of maintenance from Rs.500/- to Rs.1,500/- granted in favour of the respondent, has been affirmed.

3. Needless to say that the present respondent had filed recovery proceeding bearing Misc. Criminal Application No.120 of 2004. Subsequently, the said proceeding for maintenance was allowed in favour of the respondent. Thereafter, the respondent had filed proceeding for recovery of maintenance and during pendency of said recovery proceeding, the parties to the present petition entered into compromise. As per the deed of compromise, the respondent No.1 agreed to receive one time maintenance of Rs.50,000/-. However, subsequently, the petitioner had filed an application and prayed for enhancement of maintenance. On 10.12.2018, the learned J.M.F.C., passed an order in Criminal Misc. Application No. 134 of 2015 and enhanced the maintenance amount from Rs.500/- to Rs.1,500/-, which was granted in Criminal Misc. Application No.120 of 2004.

4. Being aggrieved by the said order, the petitioner had filed Criminal Revision No.122 of 2019 before the Sessions Court under Section 397 of Cr.P.C. On 22.09.2020, the learned Revisional Court passed the impugned order and dismissed the revision holding that the consumer price compelled with the index price prevailing in the year 2004.

5. Needless to say that the matrimonial relations between the petitioner and the respondent is not in dispute. It is not in dispute that vide order passed in Criminal Misc. Application No.120 of 2004, the respondent was held entitled for monthly maintenance of Rs.500/-, which has been enhanced by the learned trial Court vide order passed in Criminal Application 134 of 2015, which has been affirmed by the learned revisional Court. Considering the hike of prices of the essential commodities, now a days, no one can survive even in Rs.1,500/-. Therefore, I do not find that the impugned order is illegal, perverse, bad in law, therefore no interference is called at the hands of this Court. Hence, the writ petition is dismissed.

[Y. G. KHOBRAGADE, J.]

SMS