



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 1718 OF 2025

Suryabhan Govind Wagh
age 67 years, occ. Retired,
R/o. Gopinath Nagar, Lasur Station,
Tq. Gangapur, Dist. Aurangabad.

...Petitioner

Versus

Hirabai Suryabhan Wagh
age 61 years, occ. Household,
R/o. At Post. Kanak Sagaj,
Tq. Vaijapur, Dist. Aurangabad.

...Respondent

...
Advocate for Petitioner : Mr. Raut Avinash N.

...

CORAM : ABHAY J. MANTRI, J.

DATE : 19TH DECEMBER, 2025

ORAL JUDGMENT :

1. Heard the learned Advocate for the petitioner.
2. By this petition, the petitioner is challenging the order dated 06.08.2025 and continuation of the said order on 27.11.2025, passed by the learned Judicial Magistrate, First Class, Court No. II, Vaijapur (for short, '*learned Magistrate*'), in Criminal M.A. No. 50/2023, thereby issued the arrest warrant for recovery of an amount of Rs. 1,42,500/- against the petitioner, as well as praying for directing the Sessions Court to expedite the Revision No.10/2023.

3. Having heard the learned Advocate for the petitioner and gone through the judgment and impugned orders as well as the record, at the outset, it appears that the learned Magistrate, by judgment and order dated 18.01.2023, partly allowed the application and directed the petitioner herein to pay maintenance of Rs. 3,000/- per month to the respondent. Being aggrieved by the order dated 18.01.2023, the petitioner has preferred a Revision, which is pending. Similarly, the petitioner failed to comply with the said order dated 18.01.2023. Therefore, the respondent has filed the execution proceeding, wherein the Court passed an order on 06.08.2025, continued the same on 27.11.2025, and issued an arrest warrant against the petitioner for failure to pay the arrears of maintenance amount of Rs. 1,42,500/-, as per the order. Therefore, he urges that orders dated 06.08.2025, continued on 27.11.2025, be set aside, and the learned Additional Sessions Judge be directed to expedite the matter

4. It is pertinent to note that the husband is duty-bound to maintain his wife, and for her day-to-day livelihood, he is duty-bound to provide a maintenance amount to his wife to live her life as per her husband's status. He cannot plead that he is unable to earn sufficient income to maintain his wife. Moreover, the learned Magistrate has granted only Rs. 3000/- per month as maintenance, which is minimal.

The petitioner failed to comply with the said order, which itself indicates that the petitioner is not obeying the Court's order and is attempting to protract the matter by filing the Revision. On that ground, the petition is liable to be dismissed.

5. Apart from that, nowadays there are rises in the prices of the essential commodities, and therefore, the amount of maintenance awarded is too meagre to satisfy the daily needs of the respondent. Consequently, I find no merit in this petition. Similarly, it must be borne in mind that the right to maintenance under Section 125 of the Code of Criminal Procedure is not a benefit received by the wife but rather a legal and moral duty owed by the husband to maintain his wife. Undoubtedly, the wife does not reside with the husband, and the husband does not pay her any maintenance.

6. Mere filing of the Revision before the Sessions Court is not sufficient, but the petitioner has to satisfy the learned Sessions Court that the order of grant of maintenance by the learned Magistrate is exorbitant, and therefore, that order has to be stayed. However, the petitioner failed to satisfy the learned Additional Sessions Judge; thus, no stay has been granted in his favour. Since 20.05.2024, the Revision has been posted for hearing.

7. Thus, having considered the above facts, I do not find merit in the petition. As a result, the petition, being devoid of merit, is dismissed.

8. Needless to clarify that the Revision is pending before the learned Additional Sessions Court. Learned Additional Sessions Court is requested to expedite the matter as early as possible and dispose of the said Revision within a period of six months from the receipt of the copy of this order.

(ABHAY J. MANTRI, J.)

SPC