

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 3550 OF 2024

Jaykar Vasant Sutar

.... Petitioner

Versus

Mira Jaykar Sutar and Anr.

.... Respondents

Mr. Adil Khatri (Through VC), Advocate for the Petitioner.

Ms. Shraddha Pawar, Advocate for Respondent No.1.

Ms. S. N. Deshmukh, A.P.P., for the Respondent No.2 – State.

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**CORAM : SHIVKUMAR DIGE, J.
DATE : 16th OCTOBER, 2025.**

P.C. :

1. Heard learned counsel for the Petitioner, learned counsel for Respondent No.1 and learned APP for the Respondent No.2 – State.
2. Learned counsel for Respondent No.1 seeks leave to correct the name of Respondent No.1. Leave granted.
3. Amendment to be carried out forthwith.
4. By this petition, the Petitioner has challenged the order dated 21st December, 2023 passed by the learned Sessions Judge, Sangli in PWDVA Appeal No.75 of 2023, whereby the learned Sessions Judge has modified the order passed by the learned Judicial Magistrate First Class, Kadegaon (for short, “JMFC”).
5. It is contention of learned counsel for the Petitioner that the

learned Sessions Judge has modified the order passed by the learned JMFC and has directed the Petitioner to pay interim maintenance of Rs.5,000/- to Respondent No.1 and Rs.3,000/- to her minor daughter. Learned counsel further submitted that the Respondent No.1 is working women, and she has source of income, but this fact is not considered by the learned Sessions Judge. Learned counsel further submitted that the Petitioner is suffering from various ailments and has high diabetes, and he has no source of income and his two fingers are cut because of his high diabetes, but these facts are not considered by the learned Sessions Judge and passed impugned order. Hence, requested to allow the writ petition.

6. It is contention of learned counsel for Respondent No.1 that the Respondent No.1 has no source of income. The learned JMFC had granted Rs.6,000/- as maintenance amount to the Respondent No.1 and Rs.3,000/- to her minor daughter. The learned Sessions Judge has modified it at Rs.5,000/- and Rs.3,000/-. The learned Sessions Judge has passed well-reasoned order, no interference is required in it, and requested to reject the writ petition.

7. Learned APP submitted that pass appropriate order.

8. I have heard all learned counsel, perused impugned order passed by the learned Sessions Judge, Sangli.

9. Admittedly, the main maintenance application filed by the Respondent No.1 is pending before the learned JMFC, Kadegaon. The order passed by the learned Sessions Judge is on interim maintenance application. The learned Sessions Judge has reduced the maintenance amount from Rs.6,000/- to Rs.5,000/-. I do not find infirmity in it. Moreover, to prove the defence, the Petitioner has to lead the evidence in main maintenance application.

10. In view of above, I pass following order:

ORDER

- i. The Writ Petition is dismissed.
 - ii. The trial Court is requested to dispose off pending PWDVA No.75 of 2023 as early as possible.
 - iii. All contentions of both parties are kept open.
 - iv. The Petitioner shall deposit 70% arrears of maintenance amount before the trial Court.
11. The Writ Petition is dismissed in the aforesaid terms and is accordingly disposed off.

(SHIVKUMAR DIGE, J.)