

Harish

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO. 233 OF 2025**

Bhagwan Rangnath Pawar ...Applicant
Versus
State Of Maharashtra And Anr. ...Respondents

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Mr. Abhijit Kulkarni a/w Abhay Jadhawar & Rutik Kashid Advocate.
for the Applicant.

Kavita Vilas Kamble Appointed Advocate for Respondent No. 2
through Legal Aid.

Mr. Anand Subhash Shalgaonkar, APP for the Respondent-State.

CORAM : SHIVKUMAR DIGE, J.
DATE : 19th DECEMBER, 2025

P.C.

1. By this criminal revision application the applicant challenges the judgment and order dated 26th March, 2025 in Cr. DV Appeal No. 17 of 2024. By the said Judgment, the Sessions Judge, Barshi confirmed the ex-party order passed by the Judicial Magistrate, First Class, Madha (for short "JMFC") in PWDV Application No. 11 of 2021.

2. It is contention of learned counsel for the applicant that the PWDV Application was allowed ex-parte by the learned JMFC. No affidavits of assets and liability were filed by the applicant and respondents before the trial Court, but this fact was not considered by

the learned trial Court and sessions Court, hence requested to allow the application.

3. It is contention of learned counsel for respondent no. 2 that the respondent no. 2 is widow. The applicant is cultivating land of the husband of the respondent no. 2 and taking crops from it, he is not giving any share to the respondent no. 2 since last several years. The arrears of maintenance amount is more than Rs. 5 lakh. The applicant has source of income, but he has not deposited any amount and only to harass the respondent no. 2 present application is filed. Hence, direction be given to the applicant to deposit the arrears of maintenance amount immediately. Learned counsel further submitted that though execution proceeding is filed before the trial Court, the trial Court is not passing any order against the applicant, hence, requested to dismiss the revision application.

4. I have heard both the learned counsel. Perused the impugned order passed by the learned Sessions Judge.

5. Admittedly, the PWDV Application is decided ex-parte against the applicant. He has been directed to pay maintenance of Rs. 12,000/- per month to the respondent no. 2. It appears from the record that sufficient chances were given to the applicant to go on with the matter, but the applicant deliberately avoided to appear

before the learned trial Court. Accordingly order is passed.

6. The respondent no. 2 is widow. She has no source of income. Her husband's land property is in possession of the applicant. As per contention of learned counsel for the respondent no. 2, arrears of maintenance is amount more than Rs. 5 lakhs, if the applicant is directed to deposit the arrears of maintenance amount within two months, the matter can be remanded back to the learned trial Court for fresh hearing and to give fair opportunity to the applicant as ex-parte order is passed. In view of above, I pass following order :

ORDER

- I. The judgment and order dated 26th March, 2025 in Cr. DV Appeal No. 17 of 2024 passed by the Sessions Judge, Barshi is hereby quashed and set aside.
- II. The matter is remanded back to the Judicial Magistrate, First Class, Madha for fresh hearing subject to deposit of arrears of maintenance amount within period of two months before the trial Court.
- III. If the arrears of maintenance amount is not deposited within two months, this revision application be considered as dismissed and the trial Court shall proceed for execution of the maintenance amount as per procedure.

(SHIVKUMAR DIGE, J.)