

Arjun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.4002 OF 2024

Mahesh Manohar Shintre

...Petitioner

Versus

Sanjana Suresh Bamane & Ors.

...Respondents

Mr. Viraj Shelatkar, for the Petitioner.

Ms. Anuja Gotad, APP, for the Respondent – State.

CORAM: MADHAV J. JAMDAR, J.

DATED: 20 FEBRUARY 2025

P.C.:

1. Heard Mr. Shelatkar, learned Counsel for the Petitioner.
2. By the present Writ Petition filed under Article 227 of the Constitution of India the Petitioner has challenged the Order dated 26th February 2024 passed by the learned Additional Sessions Judge, Ichalkaranji in Criminal Revision Application No.11 of 2023 as well as the Order dated 20th October 2022 passed by the learned JMFC, Ichalkaranji in Criminal Misc. Application No.330 of 2015.
3. It is the main submission of Mr. Shelatkar, learned Counsel for the Petitioner that the Petitioner is having limited income and therefore he has submitted that an amount of Rs.1200/- per month be granted as maintenance to the son instead of Rs.3500/- as granted by the impugned Order.

4. By the impugned Order dated 20th October 2022, the learned JMFC, Ichalkaranji has granted maintenance of Rs.3500/- to the son from 1st July 2015 till he becomes major and the said Order has been confirmed by the learned Additional Sessions Judge, Ichalkaranji.

5. It is an admitted position that son has become major on 20th June 2023 and by the impugned Order the Petitioner is liable to pay Rs.3500/- per month to the son towards maintenance from 1st July 2015 till 20th June 2023.

6. Perusal of the record shows that the Petitioner and Respondent No.1 got married on 10th March 2004. The dispute between them started since the year 2006 when the Respondent No.2 i.e. son was of 8 months. By Order dated 13th November 2007 passed by the learned JMFC, Ichalkaranji in Criminal Misc. Application No.42 of 2006 filed under Section 125 of the *Code of Criminal Procedure, 1973*, an amount of Rs.400/- has been granted as maintenance to the Respondent No.2 and Rs.600/- as maintenance to the Respondent No.1. The said Order has been modified by the learned Additional Sessions Judge, Ichalkaranji by Order dated dated 13th February 2008 passed in Revision Application No.1 of 2008 and the maintenance of Rs.400/- has been directed to be paid to the Respondent No.2, however, the maintenance granted to the Respondent No.1 of Rs.600/- has been quashed and set aside.

7. Thereafter, again Criminal Misc. Application No.199 of 2010 has been filed seeking enhancement of the maintenance granted to the son and by Order dated 19th August 2011 the same is enhanced to Rs.700/- w.e.f. 28th June 2010.

8. Thereafter, again Criminal Misc. Application No.330 of 2015 has been filed seeking enhancement of the maintenance granted to the son and by Order dated 20th October 2022 the same is enhanced to Rs.3500/- w.e.f. 1st July 2015. The said Order dated 20th October 2022 is challenged by filing the Criminal Revision Application No.11 of 2023 and the said challenge has been rejected by the impugned Order dated 26th February 2024.

9. The learned Additional Sessions Judge, Ichalkaranji while rejecting the Criminal Revision Application, has observed that, considering the increase in educational as well as other expenses from the year 2007 onwards the Order passed need not be interfered. There is no illegality and perversity in the said approach.

10. It is the submission of Mr. Shelatkar, learned Counsel for the Petitioner that the Petitioner is suffering financial difficulties as well as he is suffering physical disabilities. However, it is required to be noted that the impugned Orders are concerning the maintenance amount of the son and by the impugned Orders maintenance is granted till the son attains majority. Even if son has attained majority at the age of 18 years,

in fact, it is clear that he is still taking education.

11. Accordingly, no case is made out for interference in the impugned Order under the jurisdiction of this Court under Article 227 of the Constitution of India. The Writ Petition is dismissed, however, with no order as to costs.

[MADHAV J. JAMDAR, J.]