

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL REVISION APPLICATION NO.284 OF 2024

|                                 |                |
|---------------------------------|----------------|
| Vanita Amit Jain                | ...Applicant   |
| <i>Versus</i>                   |                |
| The State of Maharashtra & Ors. | ...Respondents |

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Ms. Sandhya Nanavare, for the Applicant.  
Mr. D. J. Haldankar, APP, for the Respondent No.1-State.  
Mr. Rupesh Zade (through Video Conferencing), for the Respondents.

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CORAM: MADHAV J. JAMDAR, J.  
DATED : 14<sup>th</sup> AUGUST 2025

**PC:-**

1. Heard Ms. Nanavare, learned Counsel appearing for the Applicant, Mr. Haldankar, learned APP appearing for the Respondent No.1-State and Mr. Zade, learned Counsel appearing for the Respondents.

2. By the present Criminal Revision Application, the challenge is to the legality and validity of the order dated 8<sup>th</sup> December 2022 passed by the learned Metropolitan Magistrate, 70<sup>th</sup> Court Mazgaon, Mumbai below Exhibit-1 in C.C. No.24/DV/2022. By the said order dated 8<sup>th</sup> December 2022, aggregate interim

maintenance of Rs.7,000/- per month has been directed to be paid to the Applicant and daughter from the date of filing of the application i.e. from 13<sup>th</sup> April 2022. The said order is challenged before the learned Additional Sessions Judge, Greater Mumbai in Criminal Appeal No.182 of 2023 by the Applicant and the said Appeal has been dismissed. By said order dated 8<sup>th</sup> December 2022, learned Metropolitan Magistrate has granted aggregate maintenance of Rs.7,000/- per month to the Applicant and daughter and the said order has been confirmed by the learned Appellate Court.

**3.** At the outset, it is required to be noted that at present as far as the Petitioner is concerned, her educational qualification is Chartered Accountant which she has completed in her 8<sup>th</sup> attempt in July 2024 and now she is searching for internship/job.

**4.** In any case, it is an admitted position that the Applicant is qualified Chartered Accountant. It is her case that she has no income as she is not able to secure any internship/or job. As far as daughter is concerned, the daughter is staying with the Applicant-mother. As per the contention of the Applicant, the daughter aged

5 years has health issues as she has weak immunity and she is suffering from severe seizure attacks and many times have high fever. Her school fees are approximately Rs.11,800/- quarterly.

5. As far as the Respondent-husband is concerned, the material on record shows that he is in the business of steel trading. Although, it is the contention of learned Counsel appearing for the Respondent that there is only one company namely Shubh Steel, however, learned Counsel appearing for the Applicant points out material on record showing that there are two companies i.e. one Multi Tubes Corporation and another Shubh Steel.

6. As far as Multi Tubes Corporation is concerned, it is the contention of Mr. Zade, learned Counsel appearing for the Respondent that name of the said Multi Tubes Corporation has changed to Shubh Steel in or about 2017 and therefore, there is only one company.

7. However, learned Counsel appearing for the Applicant points out certain entries which shows that even in the year 2023,

payment through Gpay is made to the said Multi Tubes Corporation.

8. It is required to be noted that in the accounting year 2020-2021, the Respondent-husband has shown income of Rs.2,65,430/-. The income for the assessment year 2024-2025 is shown as Rs.1,07,878/-. There is no plausible explanation whatsoever for reduction of the said income by about 40%. Thus, *prima facie*, it is clear that the Respondent is manipulating the record to avoid the payment of maintenance to the daughter and the wife. The documentary evidence on record clearly shows that the Respondent has not approached the Court with clean hands.

9. It is an admitted position that the daughter is staying with the Applicant-wife and the Applicant is single handedly looking after the daughter. By taking into consideration all the facts and circumstances, maintenance of Rs.7,000/- per month granted by the learned Metropolitan Magistrate is totally inadequate. The daughter is aged 5 years and she is suffering from various health issues due to low immunity, she has seizure attacks. Considering her school fees and other educational expenses and also

considering that the Applicant-wife has acquired degree of Chartered Accountant only in July 2024 and searching internship/job, an amount of Rs.15,000/- per month has been granted as maintenance. The said maintenance is to be paid w.e.f. 1<sup>st</sup> August 2025. The Respondent-husband shall pay the said maintenance in the account of the Applicant-wife on or before 10<sup>th</sup> day of each month. Such first payment shall be made on or before 10<sup>th</sup> September 2025. The Respondent shall also clear the arrears at the rate of Rs.7,000/- per month upto 31<sup>st</sup> July 2025 within a period of two months from today.

10. Accordingly, the Criminal Revision Application is disposed of in above terms with no order as to costs.

[MADHAV J. JAMDAR, J.]

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